

Submission BO166 (Sopac Mullholland, Sequoia Riverlands Trust, August 24, 2011)

**Fresno - Bakersfield - RECORD #144 DETAIL**

**Status :** No Action Required  
**Record Date :** 8/24/2011  
**Response Requested :**  
**Stakeholder Type :** Other  
**Submission Date :** 8/24/2011  
**Submission Method :** Website  
**First Name :** Sopac  
**Last Name :** Mullholland  
**Professional Title :** Executive Director  
**Business/Organization :** Sequoia Riverlands Trust  
**Address :**  
**Apt./Suite No. :**  
**City :** Visalia  
**State :** CA  
**Zip Code :** 93277  
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**Email Subscription :**  
**Cell Phone :**  
**Add to Mailing List :** No

BO166-1

**Stakeholder  
Comments/Issues :**

August 23, 2011

Tom Umberg, Chair  
Board of Directors  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

RE: Request For Extension of EIR/EIS Comment Period – Fresno to Bakersfield Section

Dear Mr. Umberg and Board Members:  
Sequoia Riverlands Trust is a non-profit with the mission to protect working landscapes, wildlife habitat and scenic open spaces, while ensuring that economic growth in our communities remains vibrant and sustainable. We are writing to request an extension on the comment period regarding the Draft Environmental Impact Report (EIR) and the Draft Environmental Impact Statement (EIS) that the Directors of the High-Speed Rail Authority prepared on the Fresno to Bakersfield section of the California high-speed train project. We urge you to extend the 45-day comment period to 90 days.

As you are aware, this is a large scale and complex document; the public has a large quantity of material to look through and consider. An extension on the 45 days allocated is necessary so that the Authority can be adequately informed about the environmental impact of its decision.

The proposed high-speed rail puts a great deal at stake. This project could have a huge impact on endangered plants and wildlife, as well as the region's vast agricultural land. These issues, as well as others, need time to be addressed by the public so that Authority will have full knowledge of all aspects that are affected by this draft. The 45-day period that has been set is not sufficient for a proposal of this scale. Another concern with the 45-day timeframe is the time of year at which it falls. The residents who know the most, and whose comments are going to provide the information that both CEQA and NEPA demand be provided, are largely working farmers and their families. A 45-day review period, during the months of August and September, comes at a time, both in terms of vacation schedules and the normal course of agricultural operations in the affected area, during which farmers and local residents are least able to engage in the comment and review process. In order to allow those most affected with a reasonable opportunity to participate, a 90-day review period is required. We urge you to extend the review period for comments on the EIR/EIS drafts prepared by the Directors of the High-Speed Rail Authority. Allow the public 90 days (November 10th), instead of asking for all submissions in 45 days (September 10th). This will allow for sufficient feedback to be gathered and presented to the Authority relating to the impact of the high-speed rail proposal.

Sincerely,

Sopac Mullholland, Executive Director

**EIR/EIS Comment :**

Yes

**Affiliation Type :**

Businesses and Organizations

**Official Comment Period :**

Yes

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Response to Submission BO166 (Sopac Mullholland, Sequoia Riverlands Trust, August 24, 2011)

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**BO166-1**

Refer to Standard Response FB-Response-GENERAL-07, FB-Response-GENERAL-14.

Submission BO167 (R. Scott Spear, Sequoia Riverlands Trust, October 13, 2011)



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10-13-11P12:43 RCVB

October 11, 2011

California High Speed Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Ladies and Gentlemen:

Sequoia Riverlands Trust is submitting the following comments on the California High-Speed Train's Fresno To Bakersfield Section Draft Environmental Impact Report/Environmental Impact Statement.

Thank you for your attention to this matter.

Sincerely,

R. Scott Spear  
President, Board of Directors  
Sequoia Riverlands Trust

Attached to this cover letter are comments by Sequoia Riverlands Trust under the heading of: **Sequoia Riverlands Trust, Comments on California High-Speed Train: Fresno To Bakersfield Section, Draft Environmental Impact Report/Environmental Impact Statement.**

427 South Garden Street • Visalia, California 93277 • tel: 559.738.0211 • fax: 559.622.9477  
info@sequoiaiverlands.org • www.sequoiaiverlands.org



**Sequoia Riverlands Trust  
Comments on California High-Speed Train:  
Fresno To Bakersfield Section  
Draft Environmental Impact Report/  
Environmental Impact Statement**

**Overall:**

Sequoia Riverlands Trust (SRT) is the regional land trust of the southern San Joaquin Valley working in Kern, Kings, Tulare, and Fresno counties. We hold conservation easements in each of these counties. We also provide comprehensive mitigation services for habitat such as wetlands, endangered species and loss of farmland. SRT, for example, is the only land trust or conservation organization to hold agricultural conservation easements on prime farmland in the southern San Joaquin Valley. We closely collaborate with the California Department of Conservation's California Farmland Conservancy Program and the USDA's Farm and Ranchland Protection Programs on the acquisition of conservation easements and the creation of a robust conservation program in this important region.

Sequoia Riverlands Trust also partners with larger statewide and national conservation organizations including the California Department of Fish and Game, American Farmland Trust, California Audubon, and The Nature Conservancy as we are engaged in landscape level conservation both on large scale acquisitions of fee title and/or conservation easements as well as integrally involved in policy deliberations regarding regional land use, smart growth, transportation and natural resource conservation in our region.

**Summary Section:**

**Table S-2** – Comparison of Impacts of HST Alignment Alternatives – Page S-25  
**Agricultural Lands - AG #1:** Number of acres of agricultural land converted to nonagricultural use.

BNSF = 2,192 acres      Wasco Bypass #5 – 2,317 acres

This appears to be a calculation of only the 100 ft. right of way as the loss of productive ag land and it is underestimated. In the report, it indicates that the Wasco-Shafter Bypass is 23 miles long (the document is not consistent – in some places it indicates 23 miles, in Section 4 it indicates 24 miles). A 100 ft right of way for that length is 279 acres. It is also indicated that the number of acres for remnant parcels created has been included in that number. This would only make the 279 larger. This does not account for the prime farmland that will also be lost to accommodate "turnarounds" on either side of the right-of-way. Those turnarounds would be 40 feet on either side of the right of way and would convert productive prime agricultural land in to bare, unproductive land. This

BO167-1

Submission BO167 (R. Scott Spear, Sequoia Riverlands Trust, October 13, 2011) - Continued

BO167-1

would mean another 223 acres of prime agricultural land would lose its producing capacity.

Table S-2 – Page S-26 – Because each alternative and segment is considered individually, the cumulative impacts of the entire loss of farmland is not taken into account and is understated. Cumulative impact analysis is required. Therefore, looking at only the Fresno to Bakersfield Segment of the statewide project does not allow for the assessment of cumulative impacts of prime farmland lost due to the entire project. In addition, within the Fresno-Bakersfield Segment, only looking at each alternative, understates the cumulative loss of farmland.

BO167-2

**Agricultural Lands – Section 3.14:**

Page 3.14-9 – “According to CEQA Guidelines Appendix G, the project would result in a significant impact on agricultural lands if it would result in the following:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to a nonagricultural use.
- Conflict with existing zoning for agricultural use or a Williamson Act contract.
- Involve other changes in the existing environment that would result in conversion of farmland to non-agricultural use because of their location or nature.”

Comment: Sequoia Riverlands Trust (SRT) partners with farmers in Kern, Tulare, Kings and Fresno counties on agricultural easement acquisitions. We are currently the only conservation organization providing mitigation service for the loss of farmland in these counties. In addition, we are partners with the California Department of Conservation in this region on strategic farmland mapping and acquisitions, funding conservation easements and conducting outreach to businesses, environmentalists and farmers on agricultural conservation and farmland preservation. We look forward to and anticipate assisting the HSR Authority in any mitigation requirements for the project.

Page 3.14-23 – “Based on the California Department of Conservation enrollment figures for 2008 (DOC 2010), none of the counties have land in agricultural conservation easements. Tulare County has an additional 686 acres of agricultural land protected by other enforceable restrictions (DOC 2010).”

**Comments:**

- This statement and others provided in the EIS need to be updated as they are incorrect. Sequoia Riverlands Trust has an agricultural conservation easement in Fresno (88 acres, eight acres in Tulare County), Kings (153 acres) and Kern (472 acres) counties, and two agricultural conservation easements in Tulare County (100 acres). SRT will close another agricultural conservation easement in Kern County on 571 acres in October 2011. The California Department of Conservation has been involved in funding all of these agricultural conservation easements except those in Tulare County, which were funded exclusively through mitigation for the loss of farmland due to a road widening project. The

BO167-2

USDA Farm and Ranch Lands Program matched acquisition funding on the Fresno, Kings and second, yet to close, Kern County agricultural conservation easement projects.

- It is important to note that in Kern County, in the area of the Wasco-Shafter bypass, there are two easements totaling 1,043 acres south of Kimberlina Road and east of Shafter Road. These easements were funded using State of California (Department of Conservation's Farmland Conservancy Program) and Federal (USDA Farm and Ranchland Projection Program) funding to begin the establishment of a community separator between the Cities of Wasco and Shafter, thereby protecting the prime farmland in between the two cities. It is projected that the community separator will extend west along Kimberlina and include properties south of Kimberlina to Merced Avenue, which is the north end of the City of Shafter. This is an important point as the bypass would “undo” what public dollars have invested in as a strategy in the area to protect farmland.
- In review: agricultural conservation easements in the four counties:
  - Howe Easement - 153 acres, Kings County closed Sept., 2011.
  - Schnitzler Easement - 80 acres, Fresno County and 8 acres in Tulare Co. closed August 26, 2011.
  - Buxman Easement – 40 acres, Tulare County, closed in 2009.
  - Moore Easement – 60 acres, Tulare County closed in 2009.

BO167-3

Page 3.14-30 – Wasco-Shafter Bypass – Incorrectly states there are no agricultural conservation easements in the Bypass route. As mentioned above, Sequoia Riverlands Trust owns and monitors agricultural conservation easements in each of the four counties of the southern San Joaquin Valley (Kern, Kings, Tulare and Fresno counties).

BO167-4

Page 3.14 – 42 – Incorrectly states again that there are no ag conservation easements. There are conservation easements in Kern, Kings, Tulare and Fresno counties owned and monitored by Sequoia Riverlands Trust.

BO167-5

Page 3.14-32 – top of page – Incorrectly, once again, the EIS states that there are no ag conservation easements in the region. This is inaccurate. Sequoia Riverlands Trust holds agricultural conservation easements in Kern, Kings, Tulare and Fresno counties.

BO167-6

Page 3.14-39 – Second full paragraph – Related to the San Joaquin Valley Blueprint, Scenario B+: the wording here leads the reader to believe that because Scenario B+ included HSR, the reduced impact on farmland was created. The truth of the matter was that Scenario B+ increased densities, unrelated to HSR. That was the sole reason there was a reduction in farmland impacts and therefore incorrect to attribute this to HSR.

BO167-7

Section 3.14.6 – Mitigation Measures – Page 3.14-45 – Sequoia Riverlands Trust is the only land trust working in the Fresno, Kings, Tulare and Kern areas that provides the service of agricultural land conservation. As mentioned previously, SRT has been overlooked in the EIS and needs to be listed and named since they are the only local

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Submission BO167 (R. Scott Spear, Sequoia Riverlands Trust, October 13, 2011) - Continued

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BO167-7 | land trust working with irrigated, row and permanent crop land in the four counties covered by this EIR.

BO167-8 | Page 3.14-46 Table – In the table it indicates that the BNSF alignment impacts 2,210 acres of farmland. How is this calculated? Please specify the methodology used to determine the farmland impacts of the HSR project.



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## Response to Submission BO167 (R. Scott Spear, Sequoia Riverlands Trust, October 13, 2011)

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### **BO167-1**

Refer to Standard Response FB-Response-AG-02 and FB-Response-AG-04.

Also see Volume I, Section 3.14, Impact AG#5 for more information on effects on agricultural land from parcel severance.

### **BO167-2**

Please see Volume I, Section 3.14.4 as information has been updated on conservation easements. Information from local land trusts and the California Department of Conservation shows that the project crosses counties with agricultural land under conservation easements; however, none of that land is within a mile of any of the project alternatives.

### **BO167-3**

Please see Volume I, Section 3.14.4 as information has been updated on conservation easements. Information from local land trusts and the California Department of Conservation shows that the project crosses counties with agricultural land under conservation easements; however, none of that land is within a mile of any of the project alternatives.

### **BO167-4**

Please see Volume I, Section 3.14.4 as information has been updated on conservation easements. Information from local land trusts and the California Department of Conservation shows that the project crosses counties with agricultural land under conservation easements; however, none of that land is within a mile of any of the project alternatives.

### **BO167-5**

Please see Volume I, Section 3.14.4 as information has been updated on conservation easements. Information from local land trusts and the California Department of Conservation shows that the project crosses counties with agricultural land under conservation easements; however, none of that land is within a mile of any of the project alternatives.

### **BO167-6**

See the revised Volume I, Section 3.14, Impact AG #4 for information on how the HST project is consistent with the goals of the San Joaquin Valley Blueprint B+ Scenario.

### **BO167-7**

See Standard Responses FB-Response-GENERAL-01 and FB-Response-GENERAL-22 for information on the level of detail required in the EIR/EIS.

### **BO167-8**

See Volume I, Section 3.14.3 for the methodology used to determine the acres of affected farmland.

Submission BO168 (Kenneth E. Zeiders, Shafter-Wasco Investment Co., Inc., October 13, 2011)

**SHAFTER - WASCO INVESTMENT CO., INC.**

P.O. Box 1567  
Shafter, California 93263  
Phone (661) 746-6321

RECEIVED  
10-13-11 12:29 RCVD

Fresno to Bakersfield Draft EIR/EIS comment  
770 L St. Suite 800  
Sacramento, CA. 95814  
Email: [Fresno\\_Bakersfield@hsr.ca.gov](mailto:Fresno_Bakersfield@hsr.ca.gov)

Subject: Draft EIR/EIS comment

The EIR from HSR is not complete or balanced in reviewing the long term impact to the San Joaquin Valley and the importance of Agriculture. Prime farmland is in very limited supply around the world and should be preserved at all costs for production of food and fiber for future generations. The basic need for human existence is food and any project or activity that diminishes that primary supply should be properly evaluated to insure that transportation or other uses do not overshadow the value of agricultural production.

Problems with the Shafter Wasco Alternate

- BO168-1 | 1. The EIR states that there are no construction impacts to Agriculture. There are many impacts such as irrigation of crops that must continue throughout the season. The Shafter Wasco Alternate or By-Pass corridor will isolate irrigation systems to parts of each field that is bisected. How will storm drainage or run-off be handled with wet weather or a break in an irrigation pipeline? How about dust control during construction and the effect on growing crops? Who will bear the cost of re-design and or modification of irrigation systems? How will HSR restore land adjacent to the rail that is required for construction to original condition and who will bear the cost to do so?
- BO168-2 | 2. When looking at the Alternate route, more roads are closed and access to the other half of a split parcel will require additional travel. The time lost, extra cost of driver, extra wear and tear on equipment to move, congestion at roadway crossings, extra fuel burned and resulting air pollution need to be considered as a substantial negative impact to agriculture and the environment.
- BO168-3 | 3. Who will be responsible to maintain the HSR right of way and fence? What about weeds that take up residence on the right of way and contaminate the adjacent cropland with weed seeds? Who is responsible for rodents or other

BO168-3 |

BO168-4 |

BO168-5 |

BO168-6 |

BO168-7 |

BO168-8 |

BO168-9 |

animals such as coyotes that take up residence on the right of way and damage crops or spread disease to the consumer when the crop is harvested for food?

4. HSR claims to improve air quality at maximum ridership. What is the impact to air quality with less than a maximum load? Most modes of transportation run at something less than full capacity.

5. The true cost of the total HSR system needs to be evaluated to be sure that projections are accurate. Realistic projections of cost with regard to HSR ridership and cost of other modes of transportation need to be compared to verify the value of the HSR system. This is necessary to insure that there is a result of value and common good for the people of California.

6. The legislation regarding HSR indicates that HSR is to be built along existing corridors. The Shafter Wasco Alternate or By-Pass is certainly not an existing corridor. More likely, an existing corridor would be perceived to follow along Highway 99 or Interstate 5 route and not through prime farmland in any case.

7. The Shafter Wasco Alternate (By-Pass) passes through the North Shafter oil field including wells, pipelines and tank farms. The impact to property owners, oil companies and those holding mineral rights has not been adequately addressed in the EIR. What is the cost to relocate or replace this infrastructure?

8. The HSR consumes a great deal of electricity. The primary providers of power in California such as PG&E have already notified power users that both generating capacity and the necessary grid to deliver power are very near overload. They have carried the issue farther so that on high demand days, large users of power have been asked to shut down during peak demand periods. Compliance with these requests at cost to business has helped the power system get through these difficult peak demand periods. With this in mind, how does HSR expect to operate without either taking power that is already in short supply from existing users (Not a good option) or finance a major addition to the whole electrical power system in California? Will HSR shut down during these peak demand periods like the existing power users are doing now?

I believe that the EIR does not adequately address the impact to Agriculture, Oil interests, Electrical power supply and the value of HSR to California. The EIR appears to deviate from legislated guidelines in presenting the various alternatives. Information contained in the EIR is not presented in a format allowing the reader to compare the various sections in relationship to the whole system. In addition the Alternate (By-Passes) are not presented where a comparison can be made to their respective sections.

Sincerely,

  
Kenneth E. Zeiders  
General Manager

## Response to Submission BO168 (Kenneth E. Zeiders, Shafter-Wasco Investment Co., Inc., October 13, 2011)

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### **BO168-1**

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-04 and FB-Response-AG-05.

See Volume I, Section 3.14.5.3 for information on the construction period impacts on agricultural lands. Also see Volume I, Section 3.14, Impact AG#5 for more information on effects on agricultural land from parcel severance. See Volume I, Section 3.14, Impact AG#10 for information on the wind-induced effects. See Volume I, Section 3.14, Impact AG#11 for information on the impacts on aerial pesticide spraying, dust, and pollination.

### **BO168-2**

Refer to Standard Response FB-Response-TR-02.

### **BO168-3**

The Authority will be responsible for maintaining the HST right-of-way, including fences, and will provide appropriate weed and pest/animal control. Maintenance activities are described in Chapter 2, Section 2.6, Operations and Service Plan, of the Revised DEIR/Supplemental DEIS.

### **BO168-4**

The air quality and greenhouse gas analyses in the Revised DEIR/Supplemental DEIS that are related to ridership have been updated to reflect two ridership scenarios—one with fares at 50% of airfare prices and one at 83% of airfare prices—to provide a range of potential impacts.

### **BO168-5**

The purpose of an EIR/EIS is to provide an analysis of the effects of project alternatives on the environment. In the case of CEQA and the analysis provided in an EIR, "environment" is defined as the physical environment and does not include consideration of social and economic effects except where those effects may directly lead to alteration of the physical environment. A comparison of costs between transportation modes is not an environmental issue and therefore does not need to be addressed in an EIR/EIS. That being said, the Authority has provided an analysis of the

### **BO168-5**

relative cost difference between the HST System and other transportation modes in the Statewide Program EIR/EIS for the California High-Speed Train System (Authority and FRA 2005)

### **BO168-6**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10.

### **BO168-7**

Refer to Standard Response FB-Response-SO-01.

Alignment plans and maps of parcels directly affected by the project, where the whole parcel or a portion thereof would be acquired by the project, are provided in Volume III of the EIR/EIS. Impacts and costs associated with oil well relocation are included in the Final EIR/EIS.

See Volume I, Section 3.6, Public Utilities and Energy, Impact PU&E#10 – Potential Conflicts with Petroleum and Fuel Pipelines. Replacement wells would occur in the same field as the displaced wells and continue to withdraw from the expansive Eocene Total Petroleum System within the San Joaquin Basin Province. There would be no change to the capacity of the oil field or the ability of industry to extract crude oil. The cost for well decommissioning and replacement would be borne by the Authority, and the effect on the capacity or viability of the petroleum resource and industry extraction operations relative to public utilities and energy would be less than significant. The effect would have negligible intensity under NEPA, and impacts would be less than significant under CEQA.

### **BO168-8**

Refer to Standard Response FB-Response-PU&E-02.

### **BO168-9**

By combining the various alternative alignments considered in the Draft EIR/EIS, there are 72 possible ways to make a continuous alignment from Fresno to Bakersfield. Discussing each of these 72 alternatives individually would have made the EIR/EIS



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Response to Submission BO168 (Kenneth E. Zeiders, Shafter-Wasco Investment Co., Inc., October 13, 2011) - Continued

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**BO168-9**

longer and would have been difficult for readers to distinguish impacts between alternatives. Therefore, in each discipline area in Chapter 3 of the EIR/EIS, impacts are first described for the BNSF Alternative that covers the entire distance from Fresno to Bakersfield. Following that description, the impacts for each alternative that deviates from the BNSF alignment are described and those impacts are compared to the impacts of the corresponding segment of the BNSF Alternative. In this way, the reader can identify the absolute impact of an alternative and the relative impact of that alternative with the comparable segment of the BNSF Alternative. The Summary and Chapter 5 of the EIR/EIS provide information for all 72 alternatives.

Submission BO169 (Gary Lasky, Sierra Club Tehipite Chapter, October 13, 2011)

**Fresno - Bakersfield - RECORD #734 DETAIL**

**Status :** Action Pending  
**Record Date :** 10/13/2011  
**Response Requested :** No  
**Stakeholder Type :** Environmental  
**Submission Date :** 10/13/2011  
**Submission Method :** Website  
**First Name :** Gary  
**Last Name :** Lasky  
**Professional Title :** Vice Chair  
**Business/Organization :** Sierra Club Tehipite Chapter  
**Address :**  
**Apt./Suite No. :**  
**City :** Fresno  
**State :** CA  
**Zip Code :** 93704  
**Telephone :** 559-790-3495  
**Email :** data.nations@gmail.com  
**Email Subscription :** All Sections  
**Cell Phone :**  
**Add to Mailing List :** Yes

**Stakeholder  
Comments/Issues :**

My name is Gary Lasky. I reside at 4677 N. Safford Ave., Fresno, California 93704.

My comments represent over 2,000 members of Tehipite Chapter of the Sierra Club. I presently serve as Vice Chair of the chapter. My comments also represent Sierra Club California, representing all Sierra Club members in the state. I presently serve as a delegate to the California-Nevada Regional Conservation Committee of Sierra Club California.

I wish to address two issues that involve both the Merced-Fresno segment and the Fresno-Bakersfield segment of the High-Speed Rail EIR/EIS.

First, there has been insufficient time for the public to evaluate these EIR/EIS documents. In 1995, the Programmatic EIR/EIS gave six months for public comment. We are requesting the same timeline for public review of these two documents.

Second, and related, is uncertainty involving the environmental impacts of the project. There has simply not been sufficient time for the public (and our experts) to evaluate this huge project which will be the largest public works project in the history of California. The purpose of the EIR and EIS processes is for project decision makers to be provided with adequate information to make an informed decision and to choose wisely from among the project alternatives, as well as for the public to review these decisions. The fast-tracking of this huge project prevents the oversight of the project by the public, as demanded by the National Environmental Policy Act and the California Environmental Quality Act.

I submit by reference the public testimony that I delivered to the California High-Speed Rail Commission at its public hearing in Fresno on September 20, 2011.

I quote my comments here, in part:

"If we can reduce our impacts on the air-quality problem of the San Joaquin Valley, we would be delighted . . . but there could be growth-inducing impacts with people wanting to move into the San Joaquin Valley and build housing here because they could effectively commute to other cities. We welcome that growth, but we don't welcome the impacts on air quality and local traffic. We need to know more."

Sincerely,

Gary Lasky  
Yes

**EIR/EIS Comment :**

BO169-1

BO169-2

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Response to Submission BO169 (Gary Lasky, Sierra Club Tehipite Chapter, October 13, 2011)

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**BO169-1**

Refer to Standard Response FB-Response-GENERAL-07.

**BO169-2**

Refer to Standard Response FB-Response-GENERAL-03 and FB-Response-GENERAL-14.

Submission BO170 (Leonard Baker, Simba Farms, October 13, 2011)



**Fresno to Bakersfield High-Speed Train Section**  
Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS)  
**Public Hearings**  
**September 2011**

Please submit your completed comment card at the  
end of the meeting, or mail to:  
**Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

**La Sección de Fresno a Bakersfield del Tren de Alta  
Velocidad** Proyecto de Informe de Impacto Ambiental/  
Declaración de Impacto Ambiental (EIR/EIS)  
**Audiencias Públicas**  
**Septiembre del 2011**

Por favor entregue su tarjeta completada al final de la  
reunión, o envíela por correo a la siguiente dirección:

The comment period is from August 15 to September  
28, 2011. Comments must be received electronically, or  
postmarked, on or before September 28, 2011.

El periodo de comentario es del 15 de Agosto al 28  
de Septiembre del 2011. Los comentarios tienen que ser  
recibidos electrónicamente, o matasellados, el o antes  
del 28 de Septiembre del 2011.

Name/Nombre: Leonard Baker  
Organization/Organización: Simba Farms  
Address/Domicilio: 7051 14th Ave., Hanford, CA 93230  
Phone Number/Número de Teléfono: (559) 469-3301; (559) 582-6349  
City, State, Zip Code/Ciudad, Estado, Código Postal: Hanford, Ca 93230  
E-mail Address/Correo Electrónico: simbafarms@comcast.net  
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO170-1

*HST's desire to create an additional alternative  
alignment to the Hanford East Bypass and have  
that alignment not deviate as much from the BNSF  
tracks should utilize the through Hanford Alignment  
Option H-2 while simultaneously re-aligning the  
BNSF freight trains along the Hwy 43 Corridor.  
The re-alignment of BNSF would minimize  
agricultural land impact (lower speed track alignment),  
increase community support (eliminate cross town traffic  
delays), minimize congestion for a downtown High  
Speed Rail station and provide Hanford with a  
potential tourism gateway (eliminating the loss of  
the Amtrak station even if the HST never is  
completed).*

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## Response to Submission BO170 (Leonard Baker, Simba Farms, October 13, 2011)

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### **BO170-1**

Refer to Standard Response FB-Response-GENERAL-12.

The Authority and FRA's prior program EIR/EIS documents (see Section 1.5, Tiering of Program EIR/EIS Documents) selected the BNSF Railway route as the preferred alternative for the Central Valley HST between Fresno and Bakersfield in the 2005 Statewide Program EIR/EIS decision document (Authority and FRA 2005). Therefore, the Project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF Railway corridor.

The Statewide Program EIR/EIS examined two alignments through Hanford: a Hanford West Alternative and a Through Hanford Alternative. The Statewide Program EIR/EIS did not propose to locate a station in the city. The BNSF Railway in the Hanford area, particularly the Hanford Loop, has several curves that are too severe for an HST, compromising the ability to maintain the design speed, and constructing the HST through Hanford would result in a substantial impact on residential and commercial properties in the city. That is why a Through Hanford Alternative was not carried forward.

As explained in the Revised DEIR/Supplemental DEIS, an alternative that is to be examined in an EIR/EIS must meet most or all of the project objectives and must be potentially feasible. The alternative identified by the commenter failed to meet one or both of these criteria.



Submission BO171 (Marvin Dean, SJV Region, October 3, 2011)

Date: September 30, 2011

10-03-11 10:08:34 RCVD

California High Speed Rail Authority  
C/o: Rachel Wall  
Cc: Chris Ryan

From: Marvin Dean  
SJV Region

Re: My EIR/EIS Public Comment  
& FRA DOT Complaint Number: 2011-0065

I wanted to confirm HSR receive my written;  
Comment concerning environmental justice communities; low-income & minority resident  
And small / micro business owner that may be effected by the projects,

**\* Mitigation Recommend:**

- HSR set local project hiring goal for women & minority construction jobs
- HSR assistance with removal barrier that prevent SBE/DBE/DVBE  
From working on HSR project;
- > Training both workers & business owners
- > Owner bonding & Insurance program

My team & I would like to offer our help HSR with FRA require action

Other area where our team can help (One Stop Resource)

SBE/DVBE/DBE contractors compliance, getting sub contractors ready & able to bid HSR  
project; Environmental Justice Communities outreach past 30+ years develop networking  
coalition with SBE/DVBE/DBE/UDBE/MBE/WBE trade association & minority chamber of  
commerce, community organization, prime contractors trade group union & non union within San  
Joaquin Valley and Statewide.

My contact # 661-747-1465

BO171-1

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Response to Submission BO171 (Marvin Dean, SJV Region, October 3, 2011)

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**BO171-1**

Refer to Standard Response FB-Response-GENERAL-18.

Submission BO172 (Alexander Pugh, Southern California Edison Company, October 13, 2011)



October 13, 2011

California High-Speed Rail Authority  
Fresno to Bakersfield Draft EIR/EIS Comments  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: Fresno-Bakersfield California High Speed Train (CAHST) Project Draft Environmental Impact Report/Statement (Draft EIR/EIS)

Dear California High-Speed Rail Authority (Authority):

Southern California Edison (SCE) is aware that the Authority plans to revise the CAHST Fresno to Bakersfield alignment (Alignment). Nonetheless, SCE is submitting its formal comments on the current Alignment and associated Draft EIR/EIS, because many of the issues discussed in this letter will be applicable to any proposed alignment traversing Kings and Kern County, as those counties are located within SCE's northern most service territory. In addition, SCE hopes that the information provided in this letter will assist the Authority with subsequent Draft EIR/EIS discussions on the project's potential impacts to SCE facilities.

SCE serves a 50,000-square-mile service territory encompassing much of the area planned to be traversed by the CAHST, including communities located in Kings, Tulare, Kern, Los Angeles, San Bernardino, Orange, and Riverside counties. Within its service territory, SCE operates a network of transmission, distribution, and communication facilities dedicated to providing safe and reliable electricity and communication services.

SCE is currently in the process of investing \$21.5 billion to expand and strengthen its essential transmission and electric distribution grids. Planned improvements include, in part, building new transmission lines and substations, and repairing or replacing transmission and distribution poles, wires, and circuits. In addition, SCE is working with renewable energy generators to contract for the purchase of renewable energy in order to meet state Renewable Portfolio Standards to deliver 33% of its energy from renewable resources by 2030. Included in SCE's capital planning are major substation and transmission projects required to interconnect the renewable energy to the California Independent System Operator (CAISO)-controlled electric grid.

Many of SCE's capital projects are located within the CAHST planning area. For this reason, SCE requests to be included in all current planning activity and environmental assessment work

October 13, 2011  
California High-Speed Rail Authority  
Page 2 of 6

BO172-1

being developed for the CAHST alignments traversing SCE's service territory. In addition, SCE suggests that the Authority and SCE establish a formal working group while the CAHST alignments are being planned within SCE's service territory. This will allow SCE to work more effectively with the Authority to identify and resolve potential conflicts between proposed alignments and critical SCE facilities. Please notify SCE directly of all public meetings and NEPA/CEQA processes being conducted regarding the CAHST. Said notices should be directed to the affected SCE local service centers c/o the Local Public Affairs Region Manager and to the following SCE operating department:

Southern California Edison Company  
Local Public Affairs  
Local Government Affairs – Land Use/Environmental  
PO Box 800  
Rosemead, CA 91770

Draft EIR/EIS Comments

BO172-2

The overarching comment SCE has regarding the DEIR/EIS for the Alignment is that SCE will require more detailed information on how the Alignment potentially impacts SCE's existing facilities, land rights, and planned facilities, so that SCE can properly assess these potential impacts and work with the Authority to develop solutions. For each transmission, subtransmission, distribution, and telecommunication line that potentially crosses the distinct alternative alignments, please provide SCE with location maps, surveyed drawings, elevations and profile details of the proposed crossing of SCE's infrastructure, with poles and towers depicted. In addition, please identify the location and highest elevation of the CAHST power elements planned to cross beneath SCE lines. Also, please indicate those SCE lines for which the Authority will be requesting relocation. For alignments running adjacent to our power lines, please provide detailed maps illustrating SCE power line conductor elevations, plans and profiles, grading and drainage plans, and transmission line access information. Also, please identify any planned temporary construction areas and all foreseeable construction activities adjacent to our rights-of-ways.

BO172-3

Please note that any potential crossings or conflicts with SCE electrical and communication facilities will need to be reviewed by SCE for compliance with clearance requirements as defined by the California Public Utilities Commission (CPUC). The CPUC's General Order No. 95 "Rules for Overhead Line Construction" and General Order No. 128 "Rules for Underground Electric Supply and Communications" define the minimum requirements for designing and constructing electrical facilities within the State of California. Any relocation/rearrangement of SCE facilities caused by the CAHST project must comply with SCE standards, which meet or exceed all General Order safety, strength, and clearance requirements.

BO172-1

Submission BO172 (Alexander Pugh, Southern California Edison Company, October 13, 2011) - Continued

October 13, 2011  
California High-Speed Rail Authority  
Page 3 of 6

SCE's Mascot Substation Project

BO172-4 | SCE has received a Permit to Construct (PTC) from the CPUC to build its Mascot Substation Project, which is located in northeastern Kings County. This substation project will increase the capacity of the electrical system and improve electric service reliability to the City of Hanford and surrounding area within Kings County. Construction of the Mascot Substation Project is anticipated to begin in 1<sup>st</sup> Quarter 2012, which will include a new 66/12 kV substation, approximately two miles of new 66 kV subtransmission lines, new distribution circuits, and new fiber optic cable and communications equipment.

The proposed Alignment is located in the vicinity of the Mascot Substation Project. While SCE's initial review of the proposed Alignment indicates the substation project may not be directly impacted, SCE requests that the Authority confirm this information by providing SCE with detailed street-level drawings of the proposed Alignment through Kings and Tulare County, with illustrations depicting the relationship between the Alignment and the substation project. In addition, please include the Mascot Substation Project in the list of projects reviewed as part of the cumulative impacts analysis.

Potential Impacts to SCE Facilities

BO172-5 | The Draft EIR/EIS discussion on utility crossings identifies only one SCE transmission line potentially impacted by the Alignment. SCE has preliminarily identified several potentially impacted power lines and will forward this information as soon as it is compiled. At this time, we have the following additional lines that may be added to the list:

- Goshen-Hanford 66kV at Grangeville Boulevard (Goshen-Mascot 66kV and the Hanford-Mascot 66kV)
- Hanford-Liberty 66kV at Hanford-Armona Road (Hanford-Liberty-Mascot 66kV)
- Goshen-Hanford-Laurel 66kV at Houston Avenue

The Goshen-Hanford 66kV line will become the Goshen-Mascot 66kV and the Hanford-Mascot 66kV lines at Mascot's completion. The Alignment will cross the Goshen-Mascot 66kV line immediately east of the Pacific Gas & Electric (PG&E) line at Grangeville Blvd. In addition, the Hanford-Liberty 66kV line will become the Hanford-Liberty-Mascot 66kV line at Mascot's completion. The Hanford-Liberty-Mascot 66kV line will be crossed by the Alignment immediately east of the PG&E line at Hanford-Armona Rd. Finally, the Alignment will cross the Goshen-Hanford-Laurel 66kV line immediately east of the PG&E line at Houston Ave. For all identified crossings, please provide the additional surveyed maps, drawings, and illustrations requested above.

October 13, 2011  
California High-Speed Rail Authority  
Page 4 of 6

BO172-5 | SCE is also in the process of identifying potential BRTTP line crossings for the Bakersfield to Palmdale alignment. SCE will finalize this list once the Authority determines the final project description for the Bakersfield to Palmdale alignments.

Renewable Energy Transmission Planning

BO172-6 | Multiple parties are working together in SCE's service territory to plan for SCE-owned and/or privately owned renewable energy transmission facilities required to interconnect renewable energy to the CAISO-controlled grid and SCE's lower voltage distribution and subtransmission systems. These parties include renewable generators, CAISO, SCE, CEC, federal agencies, and local governments. SCE recommends the Authority consult with SCE and the aforementioned parties to identify any active renewable transmission planning in the proposed CAHST development area and/or to identify proposed renewable transmission projects that may conflict with the Alignment and any future CAHST alignments.

The current Alignment does not appear to impact SCE's proposed renewable generation interconnection projects or proposed generation interconnection upgrades. This is subject to change depending upon planned revisions to the proposed Alignment and the lapse of time between the Final EIR for this project and the project's construction. Therefore, SCE recommends the Authority consult with SCE prior to finalizing the construction plans for the Fresno to Bakersfield alignment to address any potential impacts to SCE's renewable transmission projects.

Reliability Planning

BO172-7 | Long Range plans for electric system reliability in the Northern San Joaquin Valley, inclusive of the CAHST planning area, include a 500 kV Substation and related 500 kV connecting transmission line facilities. As stated above, depending upon the lapse of time between the Final EIR for this project and the project's construction, it may be necessary for the Authority to contact SCE to coordinate construction concerns between SCE's reliability project and the Fresno to Bakersfield alignment.

Electric Service to the CAHST

BO172-8 | The CAHST is planned to operate as an electrically powered, high-speed train, reaching speeds of up to 220 miles per hour. Based on the current project description provided in the Draft EIR/EIS, SCE understands that electrical service to the Fresno to Bakersfield alignment will be provided by PG&E, while alignments operating within SCE's service territory will be served by SCE facilities. SCE foresees that major system upgrades will be required to service the loads created by the CAHST, and recommends that the Authority begin the process of working with SCE to study the electric system service needs of the CAHST. Please contact Peter Lennan at (714) 895-0726 to initiate SCE's Method of Service process for the CAHST. Engineering fees will



Submission BO172 (Alexander Pugh, Southern California Edison Company, October 13, 2011) - Continued

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California High-Speed Rail Authority  
Page 5 of 6

BO172-8

be required to determine the scope of work necessary to study the service requirements of the CAHST and to conduct the required method of service studies.

General Order (GO) 131-D

BO172-9

The CAHST operating within SCE's service territory will require new substation and transmission facilities to serve the load, and may require the relocation of SCE subtransmission and transmission lines to accommodate proposed alignments. SCE Construction of new or relocated electric facilities operating greater than 50 kV are subject to CPUC General Order GO 131-D. GO 131-D typically requires a PTC for construction involving facilities operating between 50 and 200 kV (e.g. power lines and substations) and a Certificate of Public Convenience and Necessity (CPCN) for construction involving transmission line facilities designed to operate greater than 200 kV.

GO 131-D provides for certain exemptions from the PTC and CPCN filing requirements for facilities operating between 50 and 200 kV and for minor relocations of transmission lines operating greater than 200 kV. For example, SCE construction of facilities operating between 50 and 200 kV may be exempt from PTC filing requirements if the Authority were to undertake an environmental review of the construction, inclusive of SCE facilities, and the final project EIR pursuant to the California Environmental Quality Act (CEQA) finds no significant unavoidable environmental impacts caused by the construction of the proposed SCE electric facilities.

However, unless an exemption exists for SCE construction of facilities operating greater than 50 kV, a PTC or CPCN from the CPUC will be required. The process for obtaining a PTC or CPCN generally takes at least 24 months but may take longer as the CPUC may need to conduct its own environmental evaluation (i.e., Mitigated Negative Declaration or Environmental Impact Report) of the new and/or relocated electric facilities.

Affected Environment, Environmental Consequences, and Mitigation Measures

BO172-10

Electromagnetic Fields (EMFs) and Electromagnetic Interference (EMI), Section 3.5 and Appendix 3.5 -A, indicate that this project will comply with applicable federal and state regulations including CEQA, NEPA, and California Department of Health Services (DHS). Although there are no NEPA or CEQA standards regarding the analysis of potential human risks associated with EMF exposure, the CPUC reviewed and updated its EMF policy in 2006 (CPUC Decision 06-01-042) for California's regulated electric utilities. This policy decision update reaffirmed the finding that state and federal public health regulatory agencies have not established a direct link between exposure to EMF and human health effects, and that the existing "no-cost and low-cost" precautionary-based EMF policy should be continued for electrical facilities. For further details, contact SCE's EMF Education Group at (800) 200-4723.

In closing, it appears the proposed project impacts SCE's right-of-ways and/or fee-owned properties, which may also affect SCE's transmission and/or substation facilities; therefore, the

October 13, 2011  
California High-Speed Rail Authority  
Page 6 of 6

impacts, including use of SCE right-of-ways, line crossings, and impacts to SCE's access to its rights-of-way, will need to be reviewed by SCE's Operating Department to ensure the proposal is compatible with SCE's operational requirements and associated rights prior to finalizing the plan of development. Please forward five (5) sets of project plans depicting SCE's facilities and its associated land rights to the following location for review as noted above:

Real Properties Department  
Southern California Edison Company  
2131 Walnut Grove Avenue  
G.O.3 - Second Floor  
Rosemead, CA 91770

SCE appreciates the opportunity to comment on the Draft EIR/EIS for the Alignment and looks forward to working closely with the Authority to address the electric system needs of the CAHST and to resolve any conflicts between the proposed project and SCE facilities. SCE would like to schedule an appointment with the Authority to go over the contents of this letter and to discuss the possibility of developing a formal working group with the Authority to address the planning and construction of the CAHST in SCE's service territory. Please contact me at (626) 302-3819 to schedule this appointment at your earliest convenience.

Sincerely,



Alexander Pugh  
Senior Project Manager, Transportation Projects  
Southern California Edison Company



Brian Thoburn  
Local Public Affairs Region Manager  
Southern California Edison Company



## Response to Submission BO172 (Alexander Pugh, Southern California Edison Company, October 13, 2011)

### **BO172-1**

The Authority is committed to meeting with stakeholders throughout the environmental review process to obtain feedback and to ensure a broad understanding of environmental impacts for the proposed project. A full listing of stakeholder meetings held to date can be found in Chapter 8.

### **BO172-2**

Refer to Standard Response FB-Response-PU&E-03.

### **BO172-3**

Refer to Standard Response FB-Response-PU&E-01, FB-Response-PU&E-03.

### **BO172-4**

Southern California Edison's proposed Mascot Electrical Substation project was approved by the California Public Utilities Commission (CPUC) in the second quarter of 2011. Although the analysis of project-level effects in Section 3.6, Public Utilities and Energy, of the Final EIR/EIS evaluates anticipated effects on *existing* public utility facilities and services, the proposed Mascot substation was not implemented at the time of the Draft EIR/EIS analysis. A review by HST planning engineers indicated that the proposed Mascot substation would not be directly affected by the project; however, the route of the power lines connected to the proposed facility may need to be altered.

The Final EIR/EIS at page 3.6-15 refers to Appendix G of the California Environmental Quality Act (CEQA) Guidelines, which states that a significant impact on utilities and service systems would occur if the project results in a conflict with a fixed facility such as an electrical substation. No such impact would result from the project. However, the project team has and will continue to actively coordinate with utility providers during all the design phases of the project to identify, describe, and evaluate the HST project's potential impact on existing electrical infrastructure. Where the project would require modification of any electrical substation or electrical transmission, power, or distribution line, such modifications would be conducted in compliance with the CPUC's General Order 131-D.

Reasonably foreseeable projects in combination with the proposed HST alternatives are

### **BO172-4**

analyzed in Section 3.19, Cumulative Impacts, of the Final EIR/EIS. This section considers future development projects, which are listed in Appendices 3.19-A and 3.19-B.

### **BO172-5**

Refer to Standard Response FB-Response-PU&E-03.

The Authority is actively assimilating information on existing and planned utilities. At present, the Authority is coordinating with utility owners to ensure identification of all known facilities within the footprint and determine how best to relocate those facilities.

### **BO172-6**

Refer to Standard Response FB-Response-PU&E-03.

The Authority is coordinating with the SCE, CAISO, and the Energy Commission on issues of transmission and grid interconnection.

The Authority and SCE have signed an agreement, wherein SCE will conduct a study to help assess the feasibility and cost impacts of electrical infrastructure needed at various interconnection points within SCE's service territory. The agreement between the Authority and SCE was signed on December 31, 2012.

### **BO172-7**

Refer to Standard Response FB-Response-PU&E-03.

The Authority is actively assimilating information on existing and planned utilities. At present, the Authority is coordinating with utility owners to ensure identification of all known facilities within the footprint and determine how best to relocate those facilities and avoid future planned utility facilities.

### **BO172-8**

Refer to Standard Response FB-Response-PU&E-01, FB-Response-PU&E-03.

The Authority has been working with PG&E and Southern California Edison to assess

## Response to Submission BO172 (Alexander Pugh, Southern California Edison Company, October 13, 2011) - Continued

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### **BO172-8**

level of service and interconnection needs for the HST. The Authority looks forward to continued coordination with both utilities to provide electricity to the HST System.

### **BO172-9**

Refer to Standard Response FB-Response-PU&E-01, FB-Response-PU&E-03.

The Authority has been working with PG&E and Southern California Edison to assess level of service and interconnection needs for the HST. The Authority looks forward to continued coordination with both utilities to provide electricity to the HST system.

### **BO172-10**

The California High-Speed Train Project is implementing an Electromagnetic Compatibility Program Plan (EMCPP) during project planning, construction, and operation, to achieve and ensure electromagnetic compatibility (EMC) with neighboring systems and equipment, including radio communications. The EMCPP's purpose is to ensure that the HST project, including its trains, traction power system, and communications systems, does not interfere with its neighbors or with HST equipment.

The EMCPP applies design criteria that implement the Public Utilities Commission's 2006 policy in Decision 06-01-042, by requiring all appropriate "no-cost and low-cost" precautionary measures in electrical facilities. In addition, the HST traction power and overhead contact system (OCS) and running rails, which provide power to trains, are engineered to minimize EMF exposure to neighbors. The traction power system is called a 2x25 kV system, because it uses 25 kV voltage for the trains, and uses two nearby cables with opposite phase of the 25 kV to distribute the power down the tracks. Currents in this HST 2x25 kV system create EMFs and static electric fields near the HST tracks. The HST levels will be lower than the fields typical of a utility power transmission line. This is because the separation between HST OCS cables is less, cable-to-cable voltage levels and cable current levels are less, and the HST cables are closer to the ground, which makes the cables closer to the reducing effect of the fields in the ground—all compared to the utility transmission line power cables.

Submission BO173 (Victor Martinov, Southland Properties (on behalf of Lazy H Mobile Ranch),  
September 27, 2011)

**SOUTHLAND**  
**PROPERTIES**

(805) 688-8145

(805) 688-8546 fax

September 15, 2011

California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: Draft EIR/EIS for Fresno to Bakersfield Section

Concerning: 2500 Jewetta Avenue, Bakersfield, CA 93312  
(APN #110-010-12-00-0)

Dear High-Speed Rail Authority Officials:

Please be advised that the proposed project routing of the High-Speed Railway indicates a potential conflict with our 87 lot manufactured home community. We are requesting that the High-Speed Rail Authority consider our property and the impact that could be avoided by timely planning and adjustments that may serve to avoid unnecessary hardships. Hardships for the homeowners and the landowners.

Our property, the "Lazy H Ranch" consists of 87 individually owned homes on leased lots. To condemn all or part of this community would require not only the relocation of these families, but also the relocation of their individually owned homes.

The Lazy H Ranch has been in existence for over 40 years and serves as a unique and wholesome living environment.

From the standpoint of the landowners, to remove a portion of this development would ruin the economic viability of the entire business venture and therefore would require the taking of the entire development.

Please consider us, (the landowners, and homeowners) in your planning and final decisions. Attached please find the signatures and petition of the homeowners of Lazy H Ranch. If further information would be helpful, please let me know, (805) 688-8145.

Sincerely,



Victor Martinov  
Owner, Lazy H Ranch

enc.

cc: Kern County Board of Supervisors:  
Jon McQuiston, Zack Scrivner, Mike Maggard, Ray Watson, Karen Goh

La Cumbre Management, Jim Murdock

— Post Office Box 289, Santa Ynez, CA 93460-0299 —

1 of 8

To: California High Speed Authority  
Kern County Board of Supervisors

Re: 2500 Jewetta Avenue  
Bakersfield, CA 93312  
High Speed Rail System - Fresno to Bakersfield

We the undersigned are homeowners and residents of Lazy H Ranch, a manufactured home community located at 2500 Jewetta Avenue, Bakersfield, CA. Our community consists of 87 individual home sites.

It would be an extreme hardship for us to have to be relocated, along with the relocation of our individually owned homes. This could be due to the selection of a route, which otherwise might be slightly adjusted to avoid this conflict.

Please consider us in the final selection of the High Speed Rail alignment; please align it so as not to encroach upon our community and disrupt our lives.

Name	Address	Date
Randall Winters	2500 Jewetta #10	9-1-11
Victoria Martin	2500 Jewetta #10	9/2/11
Lynn's Espinoza	2500 Jewetta #19	9-1-11
Sylvia Espinoza	2500 Jewetta #19	9-1-11
Jessie Shoemaker	2500 Jewetta #36	9-2-11
Jerry Craighead	2500 JEWETTA #20	9-2-11
Thomas Vanich	2500 JEWETTA #16	9-2-11
Virginia Vanich	2500 JEWETTA #16	9-2-11
Raketa Kapli	2500 Jewetta Ave sp32	9/1/11
Frank Zenger	2500 Jewetta Sp47	9/1/11
Roggy Zenger	" "	9/1/11
Spig Zenger	" " 74	9/1/11
Chris Zenger	#28	9-1-11
Domonic Zenger	#52	9/2/11
Linda Brown	#3	9-2-11

Submission BO173 (Victor Martinov, Southland Properties (on behalf of Lazy H Mobile Ranch),  
September 27, 2011) - Continued

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To: California High Speed Authority  
Kern County Board of Supervisors

Re: 2500 Jewetta Avenue  
Bakersfield, CA 93112  
High Speed Rail System - Fresno to Bakersfield

We the undersigned are homeowners and residents of Lazy H Ranch, a manufactured home community located at 2500 Jewetta Avenue, Bakersfield, CA. Our community consists of 87 individual home sites.

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Please consider us in the final selection of the High Speed Rail alignment; please align it so as not to encroach upon our community and disrupt our lives.

Name	Address	Date
Paul Brewer	#3	9-2-11
Howard Dennis	2500 Jewetta Ave #11	9-2-11
2500 Jewetta Ave	#11	9-2-11
Sharon L. West	" #54	9-2-11
Barbara Nickell	" #69	9-2-11
Jim Nickell	" #67	9-2-11
Karen R. Rouse	" #19	9-2-11
Branda Armstrong	" #18	9/2/11
Tracy Kay	" #18	9/2/11
Allen French	" #49	9-2-11
Bonnie French	" #49	9-2-11
Sharon French	" #83	9-2-11
William L. Vanicek	" #6	9-3-11
Merion J. Vanicek	" #6	9-3-11
Gracie Bash-Cook	" #1	9-3-11

To: California High Speed Authority  
Kern County Board of Supervisors

Re: 2500 Jewetta Avenue  
Bakersfield, CA 93112  
High Speed Rail System - Fresno to Bakersfield

We the undersigned are homeowners and residents of Lazy H Ranch, a manufactured home community located at 2500 Jewetta Avenue, Bakersfield, CA. Our community consists of 87 individual home sites.

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Please consider us in the final selection of the High Speed Rail alignment; please align it so as not to encroach upon our community and disrupt our lives.

Name	Address	Date
Lusan Cox	2500 Jewetta #78	9-3-11
Lara Hyde	2500 Jewetta #23	9-3-11
Chris Williams	2500 Jewetta Sp 21	9-3-11
Gina Lynch	2500 Jewetta Ave. Sp. 20	9-3-11
Robert Robert	2500 Jewetta Sp 30	9-3-11
Juanita M. Nichol	2500 Jewetta Sp 30	9-3-11
Ben & Bonita	2500 Jewetta Sp 31	9-3-11
Louise Reiser	2500 Jewetta Sp 35	9-3-11
Sean Lumbergh	2500 Jewetta #80	9-3-11
Maxine O'Rourke	2500 Jewetta #44	9-3-11
Robin Davis	2500 Jewetta Ave #25	9-3-11
Bubba C. Ferguson	2500 Jewetta Ave #63	9-3-11
Allen Fish	2500 Jewetta Ave #59	9-3-11
Debra's Niles	2500 Jewetta #32	9-3-11
Sean Dancy	2500 Jewetta Ave #56	9/3/11



Submission BO173 (Victor Martinov, Southland Properties (on behalf of Lazy H Mobile Ranch),  
September 27, 2011) - Continued

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To: California High Speed Authority  
Kern County Board of Supervisors

Re: 2500 Jewetta Avenue  
Bakersfield, CA 93112  
High Speed Rail System - Fresno to Bakersfield

We the undersigned are homeowners and residents of Lazy H Ranch, a manufactured home community located at 2500 Jewetta Avenue, Bakersfield, CA. Our community consists of 87 individual home sites.

It would be an extreme hardship for us to have to be relocated, along with the relocation of our individually owned homes. This could be due to the selection of a route, which otherwise might be slightly adjusted to avoid this conflict.

Please consider us in the final selection of the High Speed Rail alignment; please align it so as not to encroach upon our community and disrupt our lives.

Name	Address	Date
Yoshiko Das	SP # 48 2500 Jewetta Ave	9/4/11
Shirley Smith	SP # 5 "	9/4/11
Diane Hershey	SP # 76	9/4/11
Imogene Osborne	sp 45	9/4/11
Basten Culler	sp 43	9/4/11
Russ Reddick	34	9-4-11
Christine Cobb	27	9-4-11
Deanna Fawcett	# 25A	9-4-11
Cheryl Jones	# 25A	9-4-11
Ann Marie Esmond	# 15	9-4-11
Virginia Grant	# 13	9-4-11
Linda Davis	# 86	9-4-11
John	# 1480	9-4-11
Elizabeth Moreley	# 2	9-4-11
Shirley Bailey	# 73	9-4-11

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To: California High Speed Authority  
Kern County Board of Supervisors

Re: 2500 Jewetta Avenue  
Bakersfield, CA 93112  
High Speed Rail System - Fresno to Bakersfield

We the undersigned are homeowners and residents of Lazy H Ranch, a manufactured home community located at 2500 Jewetta Avenue, Bakersfield, CA. Our community consists of 87 individual home sites.

It would be an extreme hardship for us to have to be relocated, along with the relocation of our individually owned homes. This could be due to the selection of a route, which otherwise might be slightly adjusted to avoid this conflict.

Please consider us in the final selection of the High Speed Rail alignment; please align it so as not to encroach upon our community and disrupt our lives.

Name	Address	Date
Theresa Mc	2500 Jewetta Ave #65	9/4/11
Jan	2500 Jewetta Ave #64	9-4-11
Martha Edwards	2500 Jewetta Ave #60	9/4/11
Steve	2500 Jewetta Ave #60	9/4/11
John Meyer	2500 Jewetta Ave #51	9-4-11
Lisa May	2500 Jewetta Ave #4	9-4-11
Robert	2500 Jewetta Ave #41	9-4-11
Geraldine Kennedy	2500 Jewetta Ave #57	9-6-11
Bob Kelly	2500 Jewetta Ave #38	9-6-11
Bailey Callaway	2500 Jewetta Ave #55	9-6-11
John	2500 Jewetta Ave #50	9-6-11
Mike	2500 Jewetta Ave #49	9-6-11
Jim Hunker	2500 Jewetta Ave #29	9-6-11
Malcolm Ramos	2500 Jewetta Ave #47	9-6-11
Victor Ramos	2500 Jewetta Ave #47	9-6-11



Submission BO173 (Victor Martinov, Southland Properties (on behalf of Lazy H Mobile Ranch),  
September 27, 2011) - Continued

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To: California High Speed Authority  
Kern County Board of Supervisors

Re: 2500 Jewetta Avenue  
Bakersfield, CA 93112  
High Speed Rail System - Fresno to Bakersfield

We the undersigned are homeowners and residents of Lazy H Ranch, a manufactured home community located at 2500 Jewetta Avenue, Bakersfield, CA. Our community consists of 87 individual home sites.

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Please consider us in the final selection of the High Speed Rail alignment; please align it so as not to encroach upon our community and disrupt our lives.

Name	Address	Date
Carrie Lambert	#80	9-7-11
Linette	Chicago #8	9-7-11
[Signature]	2500 Jewetta Ave #77	9/7/2011
[Signature]	#74	9-7-11
Vanessa Brewer	#72	
John Tomlinson	#72	9-7-2011
[Signature]	#12	9-8-2011
[Signature]	#12	9/8/11
George Sargent	#12	9/8/11
Maxime Moore	#85	7/8/11
David Jack	#85	7/8/11
Leilani Lance	#84	9/8/11
Jeremy Lance	#84	9/8/11
Marjorie Long	#70	9/8/11
Arnell Jenson	#70	9/8/11

To: California High Speed Authority  
Kern County Board of Supervisors

Re: 2500 Jewetta Avenue  
Bakersfield, CA 93112  
High Speed Rail System - Fresno to Bakersfield

We the undersigned are homeowners and residents of Lazy H Ranch, a manufactured home community located at 2500 Jewetta Avenue, Bakersfield, CA. Our community consists of 87 individual home sites.

It would be an extreme hardship for us to have to be relocated, along with the relocation of our individually owned homes. This could be due to the selection of a route, which otherwise might be slightly adjusted to avoid this conflict.

Please consider us in the final selection of the High Speed Rail alignment; please align it so as not to encroach upon our community and disrupt our lives.

Name	Address	Date
Kathy Pamer	2500 Jewetta Ave Sp 68	9-8-11
Debra [Signature]	#4	9-8-11
[Signature]	2500 Jewetta #14	9/8/11
David Shaw	2500 Jewetta Sp 66	9/8-11
Charles Shaw	2500 Jewetta Sp 66	9-8-11
[Signature]	#75	9/8/11
[Signature]	#75	9/8/11
Vivian [Signature]	#33	9/8/11
Susan Anderson	" #37	9/8/11
Clarence Owens	#7	9-9-11
Barbara Owens	#7	9-9-11
Cristal Macdonald	#23	9-9-11
[Signature]	#26	9-9-11
[Signature]	#26	9-9-11
[Signature]	#24	9-9-11

8 of 8

Please consider us in the final selection of the High Speed Rail alignment; please align it so as not to encroach upon our community and disrupt our lives.

Name	Address	Date
Blanca Skaggs	#24	9-9-11
Candy Brentman	#24	9-9-11
Marilyn Jacklin	#53	9-12-11
Santa Jord	#81	9-12-11
Jonas	#79	9-12-11
Mary Reynolds	#79	9-12-11
Kevin Brown	#79	9-12-11
Maia Salas	#61	9-12-11
Jose Sal	#61	9-12-11

---

Response to Submission BO173 (Victor Martinov, Southland Properties (on behalf of Lazy H Mobile Ranch), September 27, 2011)

---

**BO173-1**

Refer to Standard Response FB-Response-SO-01.

None of the project alternatives would result in the acquisition of homes in the Lazy H Mobile Home Park. The HST right-of-way would be situated in the existing BNSF Railway right-of-way at this location. Please refer to Appendix 3.1-A of the Revised DEIR/Supplemental DEIS for parcel impacts by the project footprint.

Submission BO174 (Karen Stout, Stout Farms, September 20, 2011)

09-20-11A11:09 RCVD

Board of Directors  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO174-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

  
[Name]

STOUT FARMS  
[Organization]

09.10.11  
Date

---

Response to Submission BO174 (Karen Stout, Stout Farms, September 20, 2011)

---

**BO174-1**

Refer to Standard Response FB-Response-GENERAL-07.



Submission BO175 (Karen J. Stout, Stout Farms, October 12, 2011)



**Fresno to Bakersfield High-Speed Train Section**  
Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS)  
**Public Hearings**  
**September 2011**  
Please submit your completed comment card at the  
end of the meeting, or mail to:  
**Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

**La Sección de Fresno a Bakersfield del Tren de Alta  
Velocidad** Proyecto de Informe de Impacto Ambiental/  
Declaración de Impacto Ambiental (EIR/EIS)  
**Audiencias Públicas**  
**Septiembre del 2011**  
Por favor entregue su tarjeta completada al final de la  
reunión, o envíela por correo a la siguiente dirección:  
**Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

The comment period is from August 15 to September  
28, 2011. Comments must be received electronically, or  
postmarked, on or before September 28, 2011.

El periodo de comentario es del 15 de Agosto al 28  
de Septiembre del 2011. Los comentarios tienen que ser  
recibidos electrónicamente, o matasellados, el o antes  
del 28 de Septiembre del 2011.

Name/Nombre: Karen J. Stout  
Organization/Organización: Stout Farms  
Address/Domicilio: 2250 9th Ave — Kings County  
Phone Number/Número de Teléfono: 559 381-6352  
City, State, Zip Code/Ciudad, Estado, Código Postal: Laton, CA 93242-9620  
E-mail Address/Correo Electrónico: \_\_\_\_\_  
(Use additional pages if needed/Usar paginas adicionales si es necesario)

- BO175-1 EIR/EIS Section 3.13.2.C Regional + Local Laws, Regulations, + Orders.  
Kings County General Plan (pg. 3.13-8). The HST project does not  
comside with LU Objective B2.1 because the project converta prime  
agricultural land to non-agricultural uses. The HST project is  
a major obstruction to farmers and agricultural operations; it  
prevents them from going about their farming practices as usual.
- BO175-2 The HST project prevents farmers from operating in the most  
cost effective way. Because of the diagonally tranversed  
fields with their new turn-arounds and non-producible  
30 feet on each side of your fences, farmers are putting in  
more time (getting to remnants-if possible) on roads and  
producing less because of less ground tilled (30' + 30' + your 100').  
So, farmers are spending more in gas, time, tires, wear-n-tear  
on equipment and making less money because of less crop.
- BO175-3 Farmer's do not know if they can put water under the rail bed.  
Is that answer no? Or will farmers individually be givin legal  
access to their cement culvert to make needed repairs in a  
timely manner to save their crop. Will new irrigation wells be paid for. What about pipelines

---

Response to Submission BO175 (Karen J. Stout, Stout Farms, October 12, 2011)

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**BO175-1**

Refer to Standard Response FB-Response-GENERAL-04 and FB-Response-AG-01.

**BO175-2**

Refer to Standard Response FB-Response-AG-02.

**BO175-3**

Refer to Standard Response FB-Response-GENERAL-04.

Submission BO176 (Karen J. Stout, Stout Farms, October 12, 2011)



**Fresno to Bakersfield High-Speed Train Section**  
Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS)  
**Public Hearings**  
**September 2011**

**La Sección de Fresno a Bakersfield del Tren de Alta Velocidad**  
Proyecto de Informe de Impacto Ambiental/  
Declaración de Impacto Ambiental (EIR/EIS)  
**Audiencias Públicas**  
**Septiembre del 2011**

Please submit your completed comment card at the end of the meeting, or mail to:  
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Name/Nombre: Karen J. Stout  
Organization/Organización: Stout Farms  
Address/Domicilio: 2250 9th Ave LATON CA 93242-9620 Kings County  
Phone Number/Número de Teléfono: 559 381-6352  
City, State, Zip Code/Ciudad, Estado, Código Postal: LATON, CA 93242-9620  
E-mail Address/Correo Electrónico: \_\_\_\_\_  
(Use additional pages if needed/Usar paginas adicionales si es necesario)

- BO176-1 | According to your DRAFT Summary August 2011, Fresno to Bakersfield Table S-3, pg 5-36, you state that there will be no construction impacts for agricultural lands in that section, Agricultural Lands. There will be several 1) As you acquire land under production, the rail path will divide property. Road closures made before over or underpasses are constructed will create dead remnants. Farmers will have no way to access remnants. Not only will there be a loss of current production, but a more costly reclaiming of that remnant when or if that remnant can be put back into production. These dead remnants will be a production haven for pests and weeds. It is more costly to put these remnants back into production than to keep them productive. 2) You are bringing in foreign soil for your rail bed. You may be bringing in unknown pests. Farmers will have to learn what if anything new made (chemicals) will fight them. 3) Spraying pesticides and herbicides could affect your workers. Therefore, mitigation measures are necessary.
- BO176-2 |
- BO176-3 |
- BO176-4 |

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## Response to Submission BO176 (Karen J. Stout, Stout Farms, October 12, 2011)

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### **BO176-1**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-02, FB-Response-AG-03.

See the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #16, for information on the economic effects on agriculture.

### **BO176-2**

Refer to Standard Response FB-Response-AG-03.

### **BO176-3**

See Volume I, Section 3.14.2, for information on the laws and regulations applicable to the HST project. Included in this list is Executive Order 13112, which requires federal agencies to work cooperatively to prevent and control the introduction and spread of invasive plants and animals.

### **BO176-4**

The text of the Revised DEIR/Supplemental DEIS in Section 3.10, Hazardous Materials and Wastes, has been revised in response to the comment.

Pesticides, if needed, would be used in accordance with all laws and regulations (including Occupational Safety and Health Administration worker safety regulations). Specific mitigation measures would not be necessary, since regulations for the safe application, use, and disposal of these materials would be followed.

As described in Chapter 2, Alternatives, and Section 3.7. Biological Resources and Wetlands, of the Revised DEIR/Supplemental DEIS, fill material (soil for the railbed) would be excavated from local borrow sites within 10 to 30 miles of the Preferred Alignment. Additionally, all materials would be suitable for construction purposes and free from toxic pollutants in toxic amounts in accordance with Section 307 of the Clean Water Act. As a result, it is unlikely that fill material would introduce unknown pests.



Submission BO177 (Karen J. Stout, Stout Farms, October 12, 2011)

**RECEIVED**  
10-12-11 P02:06 RCV0

**CALIFORNIA**  
High-Speed Rail Authority

Comment Card  
Tarjeta de Comentarios

**Fresno to Bakersfield High-Speed Train Section**  
Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS)  
**Public Hearings**  
**September 2011**

**La Sección de Fresno a Bakersfield del Tren de Alta Velocidad**  
Proyecto de Informe de Impacto Ambiental/  
Declaración de Impacto Ambiental (EIR/EIS)  
**Audiencias Públicas**  
**Septiembre del 2011**

Please submit your completed comment card at the end of the meeting, or mail to:  
**Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

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Name/Nombre: Karen J. Stout  
Organization/Organización: STOUT FARMS  
Address/Domicilio: 2250 9th Ave Kings County  
Phone Number/Número de Teléfono: 559 381-6352  
City, State, Zip Code/Ciudad, Estado, Código Postal: LATON, CA 93242-9620  
E-mail Address/Correo Electrónico: \_\_\_\_\_  
(Use additional pages if needed/Usar paginas adicionales si es necesario)

BO177-1

In looking over the EIR/EIS five HMF site alternatives on 3.14-30+31, I want to know if the HMF acres, approximately 150, are included in the Important Farmlands converted permanently to nonag land? Four of the sites would convert 150 acres of PRIME Farmland to non ag land. Only the Fresno Alternative site would be less than 150 acres. In fact, Table 3.14-5, Important Farmlands Permanently Affected by Each Alternative Alignment (acres) chart starting on page 3.14-32 just reflects the rail route does it not? The Important Farmland Temporarily Used or converted during construction, Table 3.14-8, 1581 acres could be added to 2,211 acres for the BNSF alternative, minimum numbers to get 3,792 acres. And if we add one of the four HMF acres, 150a, we get 3,942 acres minimum converted Ag land to non ag land. This is nearly 4,000 acres converted. How long will the construction period be? Ten years or more? This land will take some money and time to put back into Ag land. What are

BO177-1

BO177-2

The chances that all or some of these acres will NOT be returned? As you have stated most of these acres are Important Farmland of the two most productive kinds — PRIME and of Statewide Importance.

What are these comparable numbers along the I5 corridor? Where are the Important Farmland Tables and charts with this data? With Grazing land along the west side of I5 for miles, I5's numbers of PRIME and of Statewide Importance Farmlands have got to be lower. Surely the I5 corridor is a reasonably feasible alternative. Was an EIR/EIS to this detail done? California's gross product and the four counties through this "BNSF Alternative" route has the highest ratio of Prime and of Statewide Importance land in California. These lands with super productive farms and 14 dairies should never have been considered to be butchered by diagonally traversing or curving through efficiently operated businesses with no regard for daily practices or state and national importance to these lands. They are unreplaceable.

some money and time to put back into Ag land



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Response to Submission BO177 (Karen J. Stout, Stout Farms, October 12, 2011)

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**BO177-1**

Refer to Standard Response FB-Response-GENERAL-04.


For information on the impacts on agricultural lands, including HMF impacts, see Volume I, Section 3.14, Impact AG#4.

**BO177-2**

Refer to Standard Response FB-Response-GENERAL-02 and FB-Response-GENERAL-04.

Submission BO178 (Karen J. Stout, Stout Farms, October 12, 2011)

3



**CALIFORNIA** 10-12-11P02:06 RCVD  
High-Speed Rail Authority **RECEIVED**

**Comment Card**  
**Tarjeta de Comentarios**

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**Fresno to Bakersfield High-Speed Train Section**  
Draft Environmental Impact Report/  
Environmental Impact Statement (EIR/EIS)  
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**September 2011**

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**La Sección de Fresno a Bakersfield del Tren de Alta Velocidad**  
Proyecto de Informe de Impacto Ambiental/  
Declaración de Impacto Ambiental (EIR/EIS)  
**Audiencias Públicas**  
**Septiembre del 2011**

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**Fresno to Bakersfield DEIR/EIS Comment, 770 L Street, Suite 800, Sacramento, CA 95814**

---

The comment period is from August 15 to September 28, 2011. Comments must be received electronically, or postmarked, on or before September 28, 2011.  
Oct. 13,

El periodo de comentario es del 15 de Agosto al 28 de Septiembre del 2011. Los comentarios tienen que ser recibidos electrónicamente, o matasellados, el o antes del 28 de Septiembre del 2011.

---

Name/Nombre: Karen J. Stout  
 Organization/Organización: Stout Farms  
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 E-mail Address/Correo Electrónico: \_\_\_\_\_  
 (Use additional pages if needed/Usar paginas adicionales si es necesario)

Under Agricultural Lands section 3.14 in Vol. I p. 1, Letter 'A' Federal, I read that the Farmland Protection Policy Act of 1981's purpose is to "minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses." And since federal dollars will be used on this project, your project falls under NEPA, the National Environmental Policy Act. FPPA has four types of "Important Farmland" classifications. According to Figures 3.14-1 to 5 anyone can see that along the HST routes there is mostly Prime Farmland + Farmland of Statewide Importance. This is an important fact for state + federal legislators. Also to CEQA + NEPA upholders. The Central San Joaquin Valley is known as the Bread Basket of the World. Land here is nonreplaceable. You can not give me land along I5 that can grow the amount or the quality that my same acreage can here and now. The soil quality, growing season, and dependable water supply that makes this area a natural resource important to the nation + state + to our county. We supply the world with citrus, nuts, fruits, vegetables, feed, fiber, seeds, and oil seed crops.

BO178-1

p. 2

So why did you choose this unique land along the alignments to interrupt efficient farming + dairy operations? For miles along I5 one will find Grazing Land. Grazing land is not one of the four "Important Farmland" classifications. Why haven't you done an EIR/IS on the I5 route with just as much detail, so you can make a legitimate comparison?

According to one of NEPA's goals: To promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate human health and welfare," Kings County does the latter. King County's ag-producing land and dairies are vital to our state's gross product and the nation's GNP. Our county certainly fulfills the goal of stimulating human health and welfare. NEPA needs to protect us by preventing and eliminating damage.

**WE FEED THE WORLD!**

with citrus, nuts, fruits, vegetables, feed, fiber, seeds, and oil seed c

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Response to Submission BO178 (Karen J. Stout, Stout Farms, October 12, 2011)

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**BO178-1**

Refer to Standard Response FB-Response-GENERAL-02 and FB-Response-GENERAL-04.

Submission BO179 (Paul Stuber, Stuber Farms, August 25, 2011)

**Fresno - Bakersfield - RECORD #155 DETAIL**

**Status :** Action Pending  
**Record Date :** 8/25/2011  
**Response Requested :**  
**Stakeholder Type :** Business  
**Submission Date :** 8/25/2011  
**Submission Method :** Website  
**First Name :** Paul  
**Last Name :** Stuber  
**Professional Title :** Owner  
**Business/Organization :** Stuber Farms  
**Address :**  
**Apt./Suite No. :**  
**City :** Hanford  
**State :** CA  
**Zip Code :** 93230  
**Telephone :** 559-779-2405  
**Email :** pjbarbstuber@hughes.net  
**Email Subscription :** Fresno - Bakersfield  
**Cell Phone :**  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :** We own parcels 028-260-014-000 and 028-260-031-000 totaling 311 acres in Sec 20-20-22 adjacent to the north side of Cross Creek. We grow cotton, alfalfa, corn, wheat, milo and ryegrass. We will need access to the back 80 or 100 acres depending on the Corcoran alignment chosen. This includes pipeline extension, an access road on each side of the right of way, and regrading the field to avoid short irrigation runs.  
We need a bridge extension of 40-50 feet to move wide equipment to the west field.  
.  
**EIR/EIS Comment :** Yes

BO179-1

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Response to Submission BO179 (Paul Stuber, Stuber Farms, August 25, 2011)

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**BO179-1**

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-04.



Submission BO180 (Carlos Enriquez, Teresita's View Apartments, October 10, 2011)

**Fresno - Bakersfield (May 2011 – July 2012) - RECORD #521 DETAIL**

Status : Action Pending  
Record Date : 10/10/2011  
Response Requested : No  
Stakeholder Type : Business  
Submission Date : 10/10/2011  
Submission Method : Website  
First Name : Carlos  
Last Name : Enriquez  
Professional Title : Owner  
Business/Organization : Teresita's View Apartments  
Address :  
Apt./Suite No. :  
City : Fillmore  
State : CA  
Zip Code : 93015  
Telephone :  
Email : Vcpcarlos44@yahoo.com  
Email Subscription : Fresno - Bakersfield  
Cell Phone :  
Add to Mailing List : Yes  
Stakeholder Comments/Issues : Please extend the comment period by 60 days!!!! I do not want this railroad to run through my apartment complex.  
  
The address of my complex is:  
  
2141 Lake Street  
Bakersfield, Ca  
93305  
  
EIR/EIS Comment : Yes  
Affiliation Type : Businesses and Organizations  
Official Comment Period : Yes

BO180-1 |

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Response to Submission BO180 (Carlos Enriquez, Teresita's View Apartments, October 10, 2011)

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**BO180-1**

Refer to Standard Response FB-Response-GENERAL-07.

The property referenced in the comment (2141 Lake Street, Bakersfield, CA 93305) lies approximately 1,000 feet from the project construction and operation impact area for the Fresno to Bakersfield HST Section in the city of Bakersfield. Therefore, the apartment building would not be displaced by any of the alternatives through Bakersfield.

Submission BO181 (Jeanette Todd, The Corcoran Journal, October 12, 2011)

Fresno - Bakersfield - RECORD #572 DETAIL

Status : Action Pending  
Record Date : 10/12/2011  
Response Requested : No  
Stakeholder Type : Business  
Submission Date : 10/12/2011  
Submission Method : Website  
First Name : Jeanette  
Last Name : Todd  
Professional Title : Publisher  
Business/Organization : The Corcoran Journal  
Address :  
Apt./Suite No. :  
City : Corcoran  
State : CA  
Zip Code : 93212  
Telephone : 559-992-3115  
Email : jmnstnews@yahoo.com  
Email Subscription : Fresno - Bakersfield  
Cell Phone :

Add to Mailing List : Yes

Stakeholder  
Comments/Issues : This premature plan has not had enough study. Mitigations have not been put in place; instead, the High Speed Rail Authority states few mitigations will impact this area.

Not true. The City of Corcoran landscape will be completely altered; we will lose property tax income from the properties that will fall prey to takeover by the rail system. The noise and vibration, so close to downtown, will fatally impact local businesses; in fact, Corcoran is such a small town that the noise levels alone could make us a ghost town. You place the health of over 20,000 residents at risk with the plan to go through Corcoran; you place families and farms at risk with the bypass alternative.

Start over--look at the I-5 corridor.

EIR/EIS Comment : Yes

BO181-1

BO181-2

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## Response to Submission BO181 (Jeanette Todd, The Corcoran Journal, October 12, 2011)

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### **BO181-1**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-GENERAL-05, FB-Response-N&V-03, FB-Response-N&V-04, FB-Response-N&V-05, FB-Response-SO-01, FB-Response-SO-03.

For information on the impact to the community of Corcoran see Volume I Chapter 3.12 Impact SO#7 and Impact SO#10 and Mitigation Measure SO-1. For information on the impacts to communities where no station will exist and for specific information on the potential for physical deterioration see Volume I Chapter 3.12 Impact SO #17. Also see Volume I Chapter 3.12 Mitigation Measure SO-7.

### **BO181-2**

Refer to Standard Response FB-Response-GENERAL-02.

Submission BO182 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office,  
September 23, 2011)



Sacramento Field Office  
555 Capitol Mall, Suite 1290  
Sacramento, CA 95814

tel. (916) 449-2850  
Fax (916) 442-2377  
nature.org

September 21, 2011

Tom Umberg  
Chair, Board of Directors  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

09-23-11P02:03 RCVD

RE: Request for Additional Extension of the Draft EIR/EIS Comment Period

Dear Chair Umberg and Board Members:

The Nature Conservancy's California Chapter requests an additional extension to the comment period to respond to the draft EIR/EIS on the Merced to Fresno and Fresno to Bakersfield sections of the project released by the Authority on August 9, 2011. Extending the comment deadline to February 2012 would allow six months for thorough review of the documents, a reasonable amount of time for a project with such far reaching implications in the region.

It is estimated that the EIR/EIS for the two sections totals a minimum of 17,000 pages. To adequately analyze this much information, extending the time period is essential to the residents, businesses, farmers and landowners who are based in the Central Valley and will be directly affected. Proper analysis must also be done on the statewide ramifications beyond the Central Valley and environmental mitigation concerns must be evaluated.

The Nature Conservancy is a global, non-profit organization dedicated to the conservation of biodiversity. We seek to achieve our mission through science-based planning and implementation of conservation strategies that provide for the needs of people and nature. We hope you will recognize the importance of extending the review period for comments on the potential impacts of the proposed projects. Thank you for your sincere consideration of our request.

Sincerely,

Elizabeth O'Donoghue  
Director of Infrastructure and Land Use

cc: Ken Alex, Senior Advisor and Director, Office of Planning and Research

BO182-1



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Response to Submission BO182 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office, September 23, 2011)

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**BO182-1**

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO183 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office,  
October 13, 2011)



CALIFORNIA FIELD OFFICE  
201 MISSION STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105

TEL (415) 777-0487  
FAX (415) 777-0244  
NATURE.ORG

October 13, 2011

Dan Leavitt  
Deputy Director, Environmental and Planning  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

**Re: Fresno to Bakersfield and Fresno to Merced Draft EIR/EIS**

Dear Mr. Leavitt:

The Nature Conservancy would like to thank the California High-Speed Rail Authority (the Authority) and their staff for their consideration of our comments on the Fresno to Bakersfield and Fresno to Merced Draft Environmental Impact Reports / Environmental Impact Statements (Draft EIR/EIS). The Nature Conservancy (the Conservancy) is a global conservation organization with approximately one million members. Since 1951, the Conservancy has protected over 117 million acres around the world. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. In pursuing this mission, the Conservancy relies on a science-based approach both to identify key threats to important natural communities and to develop effective strategies for their conservation. Since its inception, the Conservancy's primary emphasis has been on on-the-ground projects that produce tangible lasting results. In that context, we have a long track record of working with diverse partners to achieve innovative, cost-effective, ecologically sound outcomes in the context of ongoing economic activity.

The Nature Conservancy remains concerned that the alignments identified would impact a substantial amount of habitat and farmland, threaten to induce sprawl in the foothills and does not adequately address wildlife connectivity in the region. Further, we are concerned that the environmental analysis does not address cumulative impacts as other segments (notably the San Jose – Merced and the segments to the north and south of the two segments) will be reviewed separately. Finally, we urge the Authority to engage in strategic mitigation strategies that would benefit both project delivery as well as yield more effective conservation outcomes.

The Nature Conservancy urges that the Draft EIR/EIS consider incorporating the following analysis to ensure that the least environmentally damaging alternative is selected:

**1. Engage in Strategic Mitigation**

As the California High-Speed Rail project develops, it is imperative that it be done in a manner that protects and enhances the state's natural resources. Over the past few years, state and federal agencies in California have been working together to develop an innovative way to advance needed infrastructure projects more efficiently and provide more effective conservation of our natural resources – through Regional Advance Mitigation Planning (RAMP).

BO183-1

RAMP incorporates both a regional geographic component and an advance time frame. The regional component allows state and federal agencies to consider the environmental impacts of several or one substantial planned infrastructure project(s) at once. The advance time frame identifies regional mitigation opportunities that will satisfy anticipated mitigation requirements early in the project planning and environmental review process, before the projects are in the final stages of approval. Working together, natural resource and infrastructure funding agencies can estimate mitigation needs early in the projects' timelines, avoiding permitting and regulatory delays and allowing public mitigation dollars to stretch further by securing and conserving valuable natural resources on a more economically efficient scale and before related real estate values escalate. Importantly, the RAMP approach relies on identifying and leveraging existing conservation priorities in a region, and driving those mitigation funds to implement the established conservation plans. Often local conservation entities – be they land trusts; local, regional, state or federal land management agencies or authorities; or entities with experience and a track record in the area, for example – are well aware of or are authors of the conservation plans and are best equipped to acquire and manage the mitigation lands.

For years, the trend with mitigation has been away from project-by-project mitigation that leads to conservation of small, disconnected, "postage-stamp" preserves and toward a more strategic approach that combines mitigation requirements in order to conserve larger expanses of intact habitat resulting in more effective conservation outcomes for the target species and communities. A project at this scale should certainly do mitigation in a way that benefits both the Authority and the local communities. The Authority should take advantage of these opportunities by working with federal and state agencies (such as the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the California Department of Fish and Game) who have been involved with the RAMP effort to develop a mitigation strategy that results in an effective conservation outcome, rather than a piecemeal approach. The Authority should also consider partnering with other infrastructure agencies, such as Caltrans, to bundle mitigation needs together to leverage larger conservation outcomes and achieve efficiencies of scale.

Successful implementation of RAMP with the high-speed rail project will include improved collaboration between the Authority and natural resources agencies on environmental review and mitigation, and better coordination between mitigation planning efforts and other conservation planning efforts. As a result, mitigation for the high-speed rail project will be more proactive and less reactive, more systematic and less haphazard, multifunctional rather than single purpose, and better integrated with other planning efforts, resulting in larger scale, more meaningful and cost-effective conservation.

**2. Ensure Wildlife Habitat Connectivity**

BO183-2

One of the most significant long-term ecological impacts of the project will be the fragmentation of wildlife habitat and isolation of species. Over time, the negative effect on population viability from fragmentation of habitat could be extreme for some wide-ranging species such as San Joaquin kit fox. The isolating effect will be greatest in areas where the rail corridor bisects large, relatively intact landscapes. Given how little intact low-elevation habitat remains in California for wide-ranging species, it is scientifically unjustifiable to consider creating additional barriers to wildlife movement when other alternatives exist for alignments in and around existing developed areas.

BO183-3

The Draft EIS/EIR addresses wildlife movement corridors mainly at the regional scale with a focus on protecting and enhancing riparian corridors based on a statement in Spencer et al (2010). While this regional analysis is important for a linear project like the HSR, solely focusing on corridors that are

Submission BO183 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office,  
October 13, 2011) - Continued

BO183-3

regionally important without addressing connectivity at the local scale runs the risk of isolating locally-important core areas along the route (Huber et al 2010). Additionally, focusing solely on riparian corridors for restoration and enhancement opportunities related to corridors for wildlife movement may not address the needs of species that don't use these areas as conduits for movement.

The agricultural matrix surrounding the project route may provide important albeit less than ideal movement opportunities for some species. Actual animal movement for key species like San Joaquin kit fox should be assessed to determine the importance of these areas for movement across the landscape. Finally, connectivity could also be improved by restoration or reestablishment of "missing links" mentioned in the Draft EIS/EIR. Identification of these areas for target species and opportunities for corridor improvement efforts (e.g. upland restoration) might prove valuable for some of the species likely to be impacted by the project.

At a finer scale, the issue of fencing and permeability for wildlife is an extremely important aspect of the rail design, as it may block access to critical habitats necessary during a portion of a species life cycle (e.g. wetlands for amphibians). Further habitat connectivity modeling and field studies including: analysis of suitable habitat that would be fragmented by the rail corridor, population locations and recovery plan demographic area, are necessary before the impact of a fenced rail corridor can be adequately assessed. Additionally, the following data must be included in the Final EIR/EIS to understand the full range of habitat fragmentation impacts: how much of the route will be fenced, which species will likely be affected, whether pilings and support beams will also be fenced.

**3. Protect Against Agricultural Land and Wildlife Habitat Conversion**

BO183-4

The high-speed rail system should be planned and constructed in a manner that minimizes agricultural land conversion and impacts on the natural environment. The proposed alignment could impact thousands of acres of farmland in California's premier agricultural region. There is also the potential for the high-speed rail system to create more urban sprawl that will lead to the development of additional farmland. This loss of farmland will likely lead to further loss of wildlife habitat as grassland and oak woodland habitat in the foothills is converted to intensive agricultural land uses.

BO183-5

Wildlife is also dependent on agricultural lands. The loss of both natural and agricultural habitat will impact a number of species in the Central Valley. The Central Valley supports 60 percent of the migratory waterfowl along the Pacific Flyway. The San Joaquin kit fox, riparian brush rabbit, the Least Bells vireo and blunt-nosed leopard lizard are just a few of the endangered or threatened species maintaining a foothold in the region. The Draft EIR/EIS should consider alternatives that reduce to the greatest extent possible, impacts on wildlife habitat and agricultural land. In order to reduce impacts and land conversion, the alignment for the high-speed rail system should follow existing transportation or utility corridors to the extent feasible. Following existing transportation corridors will help reduce impact on agricultural lands and wildlife habitat. Analysis of the high-speed rail alignment should be completed to address the cumulative impacts of agricultural land and habitat loss.

The Nature Conservancy appreciates the opportunity to provide comments on the Draft EIR/EIS for the Fresno to Bakersfield and Fresno to Merced alignments. We recognize the considerable challenge of meeting the transportation needs of a growing California, while maintaining the natural values that make California exceptional. The Conservancy believes that we need to find creative solutions to these needs, and that the growth of our ecological infrastructure needs to run parallel to our expanding human infrastructure.

As such, the public and decision-makers must be presented with a thorough analysis of the environmental impacts of the project.

The Conservancy looks forward to the opportunity to work with the California High-Speed Rail Authority and staff to ensure the Final EIR/EIS takes into account both natural and economic resources that are essential to the vitality of California.

Thank you for your time and consideration.

Sincerely,



Elizabeth O'Donoghue  
Director of Infrastructure and Land Use

CC: Ken Alex, Office of Planning and Research

Huber, P., S. Greco and J. Thorne. 2010. Spatial scale effects on conservation network design: trade-offs and omissions in regional versus local scale planning. *Landscape Ecology* 25:683-695.

## Response to Submission BO183 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office, October 13, 2011)

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### **BO183-1**

The comment recommends that the Authority participate in the Regional Advanced Mitigation Program (RAMP) to facilitate mitigation for potentially significant biological resources impacts. The Fresno to Bakersfield Section Revised DEIR/Supplemental DEIS identifies potentially significant direct and indirect impacts on biological resources from project construction and operation for the alternatives evaluated. Feasible mitigation measures to reduce the significance of these impacts to a less-than-significant level were identified. The potential impacts, the significance of the potential impacts, and the mitigation measures were identified based on the best commercially available scientific information and coordination with the responsible resources agencies, including the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (EPA), the California Department of Fish and Wildlife (CDFW), and the State Water Resources Control Board (SWRCB). The extent of coordination with the resource agencies is documented in Chapter 7, "Public and Agency Involvement," of the Final EIR/EIS. Participating in RAMP is an option for implementing the mitigation identified in the document, but not the sole option. Other options for implementing the mitigation measures that do not include participation in RAMP reduce the significance of impacts to a less-than-significant level.

The Authority has met with the California Department of Transportation (Caltrans) and the California Department of Water Resources (DWR) to discuss the possibility of signing on to the existing Memorandum of Understanding (MOU) between CDFW, USACE, USFWS, and the NMFS. The MOU was signed by the Caltrans Director on January 10, 2011. Also, the Authority met with The Nature Conservancy on January 21, 2011, to discuss RAMP opportunities for the California High-Speed Rail (HSR) project. On April 27, 2012, the Authority met with Caltrans, SWRCB, EPA, and DWR to discuss the need for the Authority to sign on to the MOU, RAMP approaches that will aid the California HSR project with mitigation, and the mitigation need in the San Joaquin Valley (including the San Jose to Merced Section). Other meeting dates have included meetings with Caltrans on January 21, 2011, and March 30, 2012, to discuss Statewide Advance Mitigation Initiative (SAMI) and RAMP opportunities. The Authority remains open to signing on to the MOU for participating in RAMP and SAMI.

### **BO183-2**

Refer to Standard Response FB-Response-BIO-01.

### **BO183-3**

Refer to Standard Response FB-Response-BIO-01.

### **BO183-4**

Refer to Standard Response FB-Response-GENERAL-04.

### **BO183-5**

The Revised DEIR/Supplemental DEIS describes biological resource impacts, including those for wildlife species associated with urban, agricultural, and natural lands in Section 3.7, Biological Resources and Wetlands. In addition, impacts on agricultural lands are described in Section 3.14, Agricultural Lands. Section 3.19, Cumulative Impacts, analyzes the cumulative impacts on agricultural lands and biological resources due to habitat loss, including losses resulting from conversion of agricultural lands to other uses.

## Attachment to Submission BO183 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office, October 13, 2011) - HSRA Fresno-Bakersfield - Merced EIR Comments Final.pdf



CALIFORNIA FIELD OFFICE  
201 MISSION STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105

TEL (415) 777-0487  
FAX (415) 777-0244  
NATURE.ORG

October 13, 2011

Dan Leavitt  
Deputy Director, Environmental and Planning  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

**Re: Fresno to Bakersfield and Fresno to Merced Draft EIR/EIS**

Dear Mr. Leavitt:

The Nature Conservancy would like to thank the California High-Speed Rail Authority (the Authority) and their staff for their consideration of our comments on the Fresno to Bakersfield and Fresno to Merced Draft Environmental Impact Reports / Environmental Impact Statements (Draft EIR/EIS). The Nature Conservancy (the Conservancy) is a global conservation organization with approximately one million members. Since 1951, the Conservancy has protected over 117 million acres around the world. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. In pursuing this mission, the Conservancy relies on a science-based approach both to identify key threats to important natural communities and to develop effective strategies for their conservation. Since its inception, the Conservancy's primary emphasis has been on on-the-ground projects that produce tangible lasting results. In that context, we have a long track record of working with diverse partners to achieve innovative, cost-effective, ecologically sound outcomes in the context of ongoing economic activity.

The Nature Conservancy remains concerned that the alignments identified would impact a substantial amount of habitat and farmland, threaten to induce sprawl in the foothills and does not adequately address wildlife connectivity in the region. Further, we are concerned that the environmental analysis does not address cumulative impacts as other segments (notably the San Jose – Merced and the segments to the north and south of the two segments) will be reviewed separately. Finally, we urge the Authority to engage in strategic mitigation strategies that would benefit both project delivery as well as yield more effective conservation outcomes.

The Nature Conservancy urges that the Draft EIR/EIS consider incorporating the following analysis to ensure that the least environmentally damaging alternative is selected:

### 1. Engage in Strategic Mitigation

As the California High-Speed Rail project develops, it is imperative that it be done in a manner that protects and enhances the state's natural resources. Over the past few years, state and federal agencies in California have been working together to develop an innovative way to advance needed infrastructure projects more efficiently and provide more effective conservation of our natural resources – through Regional Advance Mitigation Planning (RAMP).

RAMP incorporates both a regional geographic component and an advance time frame. The regional component allows state and federal agencies to consider the environmental impacts of several or one substantial planned infrastructure project(s) at once. The advance time frame identifies regional mitigation opportunities that will satisfy anticipated mitigation requirements early in the project planning and environmental review process, before the projects are in the final stages of approval. Working together, natural resource and infrastructure funding agencies can estimate mitigation needs early in the projects' timelines, avoiding permitting and regulatory delays and allowing public mitigation dollars to stretch further by securing and conserving valuable natural resources on a more economically efficient scale and before related real estate values escalate. Importantly, the RAMP approach relies on identifying and leveraging existing conservation priorities in a region, and driving those mitigation funds to implement the established conservation plans. Often local conservation entities – be they land trusts; local, regional, state or federal land management agencies or authorities; or entities with experience and a track record in the area, for example – are well aware of or are authors of the conservation plans and are best equipped to acquire and manage the mitigation lands.

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One of the most significant long-term ecological impacts of the project will be the fragmentation of wildlife habitat and isolation of species. Over time, the negative effect on population viability from fragmentation of habitat could be extreme for some wide-ranging species such as San Joaquin kit fox. The isolating effect will be greatest in areas where the rail corridor bisects large, relatively intact landscapes. Given how little intact low-elevation habitat remains in California for wide-ranging species, it is scientifically unjustifiable to consider creating additional barriers to wildlife movement when other alternatives exist for alignments in and around existing developed areas.

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Attachment to Submission BO183 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office, October 13, 2011) - HSRA Fresno-Bakersfield - Merced EIR Comments Final.pdf - Continued

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Wildlife is also dependent on agricultural lands. The loss of both natural and agricultural habitat will impact a number of species in the Central Valley. The Central Valley supports 60 percent of the migratory waterfowl along the Pacific Flyway. The San Joaquin kit fox, riparian brush rabbit, the Least Bells vireo and blunt-nosed leopard lizard are just a few of the endangered or threatened species maintaining a foothold in the region. The Draft EIR/EIS should consider alternatives that reduce to the greatest extent possible, impacts on wildlife habitat and agricultural land. In order to reduce impacts and land conversion, the alignment for the high-speed rail system should follow existing transportation or utility corridors to the extent feasible. Following existing transportation corridors will help reduce impact on agricultural lands and wildlife habitat. Analysis of the high-speed rail alignment should be completed to address the cumulative impacts of agricultural land and habitat loss.

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As such, the public and decision-makers must be presented with a thorough analysis of the environmental impacts of the project.

The Conservancy looks forward to the opportunity to work with the California High-Speed Rail Authority and staff to ensure the Final EIR/EIS takes into account both natural and economic resources that are essential to the vitality of California.

Thank you for your time and consideration.

Sincerely,



Elizabeth O'Donoghue  
Director of Infrastructure and Land Use

CC: Ken Alex, Office of Planning and Research

Huber, P., S. Greco and J. Thorne. 2010. Spatial scale effects on conservation network design: trade-offs and omissions in regional versus local scale planning. *Landscape Ecology* 25:683-695.

Submission BO184 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office, August 24, 2011)



Sacramento Field Office  
555 Capitol Mall, Suite 1290  
Sacramento, CA 95814

tel. (916) 449-2850  
Fax (916) 442-2377  
nature.org

August 24, 2011

Tom Umberg  
Chair, Board of Directors  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

RE: Request for Extension of the Draft EIR/EIS Comment Period

Dear Mr. Umberg and Board Members:

BO184-1

The Nature Conservancy's California Chapter strongly supports a 90 day comment period to respond to the draft EIR/EIS on the Merced to Fresno and Fresno to Bakersfield sections of the project released by the Authority on August 9, 2011. Presently the draft states comments on the document must be submitted by September 28, 2011, requiring only a 45 day comment period. Ninety days is standard for major road projects in California and the draft EIR/EIS are large and complex documents.

The proposed project is the first stage of what would be the largest public infrastructure project in the history of the State of California, and the impacts likely to be associated with the proposed project are large and far reaching, including impacts on working farms and the local farm economy, air quality, and transportation. There will be significant impacts on endangered species and wetlands and significant growth-inducing impacts as well.

In order to allow those most affected with a reasonable opportunity to participate, a 90 day review period is required. The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) are in place to assure governmental decisions that may affect the environment are made only after the decision makers are fully informed of the potential environmental impacts of their

proposed actions. In order to comply with the purpose of CEQA and NEPA and have appropriate expert comment, it is absolutely vital that the comment period be extended.

The Nature Conservancy is a global, non-profit organization dedicated to the conservation of biodiversity. We seek to achieve our mission through science-based planning and implementation of conservation strategies that provide for the needs of people and nature. We hope you will recognize the importance of extending the review period to provide the public 90 days, not 45, to comment on the potential impacts of the proposed projects in the Merced to Fresno and Fresno to Bakersfield sections. Thank you for your sincere consideration of our request.

Sincerely,

Elizabeth O'Donoghue  
Director of Infrastructure and Land Use

cc: Governor Jerry Brown  
Joseph Szabo, Federal Railroad Administration

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Response to Submission BO184 (Elizabeth O'Donoghue, The Nature Conservancy - Sacramento Field Office, August 24, 2011)

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**BO184-1**

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO185 (Paul Smart, The Pirate Pizza, October 11, 2011)

<b>Fresno - Bakersfield - RECORD #558 DETAIL</b>	
<b>Status :</b>	Action Pending
<b>Record Date :</b>	10/11/2011
<b>Response Requested :</b>	No
<b>Stakeholder Type :</b>	Business
<b>Submission Date :</b>	10/11/2011
<b>Submission Method :</b>	Website
<b>First Name :</b>	Paul
<b>Last Name :</b>	Smart
<b>Professional Title :</b>	Owner
<b>Business/Organization :</b>	The Pirate Pizza
<b>Address :</b>	
<b>Apt./Suite No. :</b>	
<b>City :</b>	Corcoran
<b>State :</b>	CA
<b>Zip Code :</b>	93212
<b>Telephone :</b>	559-992-5116
<b>Email :</b>	thepiratepizza@comcast.net
<b>Email Subscription :</b>	Fresno - Bakersfield
<b>Cell Phone :</b>	
<b>Add to Mailing List :</b>	Yes
<b>Stakeholder Comments/Issues :</b>	The plans that are currently being discussed will cut off my business from the rest of the town. I believe that my business will not last 1 year after the rail is installed as well as the businesses around me. I am in a rural community and employ 14 people between my 2 businesses. I hope that the rail authority either finds a way to minimize the displacement or stops the project all together.
<b>EIR/EIS Comment :</b>	Yes

BO185-1

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Response to Submission BO185 (Paul Smart, The Pirate Pizza, October 11, 2011)

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**BO185-1**

Refer to Standard Response FB-Response-SO-03.



Submission BO186 (John W. Tos, Tos Farms, Inc., October 13, 2011)

**Tos Farms, Inc.**  
9240 Excelsior Avenue  
Hanford, California 93230  
Phone 584-5751

RECEIVED  
10-13-11ACB:19 RCVD

October 11, 2011

Board of Directors  
CALIFORNIA HIGH SPEED RAIL AUTHORITY  
770 L Street, Ste. 800  
Sacramento, CA 95814-3359

Re: Draft EIR/EIS for Fresno to Bakersfield Section of HST Project

Dear Chairman and Members of the Board:

Tos Farms, Inc., submits this letter regarding the Draft EIR/EIS (EIR) for the Fresno to Bakersfield section of the High Speed Train (HST) project.

**Grossly Insufficient Time for Review**

The sixty (60) day comment period associated with the EIR is grossly inadequate and denies due process to those seeking to review and comment on the EIR. The EIR-related documents available at the California High-Speed Rail Authority's (Authority) webpage <http://www.cahighspeedrail.ca.gov/draft-eir-f-b.aspx> are comprised of more than seventeen thousand (17,000) pages.

Not all documents referenced in the EIR are linked to the foregoing webpage. Chapter 10 of the EIR lists eight hundred thirty-one (831) sources. These sources are referenced in the EIR without internal citations, which requires reviewers to locate each document, read the material, and make a judgment as to the part that was intended to support a statement in the EIR. This failure to include citations results in reviewers having to dedicate many hours to locate such material and to review the thousands of pages comprising the eight hundred thirty-one (831) source documents.

CEQA Guidelines<sup>1</sup> §15203 states, "The lead agency *shall provide adequate time* for other public agencies *and members of the public* to review and comment on the draft EIR or negative declaration that has been prepared" (emphasis added).

<sup>1</sup> All statutory references to CEQA are to Public Resources Code §§21000, et seq. CEQA's implementing regulations are known as the "CEQA Guidelines" and are set forth in 14 Cal. Code Regs. §§15000, et seq., and are referred to herein as "CEQA Guidelines § \_\_\_\_\_" or as "Guidelines § \_\_\_\_\_."

October 11, 2011  
Page 2

CEQA Guidelines §15200 declares that the purposes of the review period include the sharing of expertise, disclosure of agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counterproposals.

The Legislature has declared:

"The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern." Pub. Res. Code §21000(a).

"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code 21000(c).

Giving the public a mere sixty (60) days to review such a large amount of material deprives the public of its right to review and comment on the EIR. Numerous environmental organizations, business entities, and public agencies and officials have requested in writing that the review period be extended to six (6) months. It is alarming that the Authority has elected to ignore the voices of such a diverse group. The Authority's attitude illustrates its blatant disregard of the public's right to adequate time for review and comment upon the EIR.

An October 25, 2011, Rail Authority Press Release informed the public that it will release a "Revised Draft EIR/EIS/Supplemental Draft EIS" in 2012. The Press Release indicates, in part:

"The formal comment period for the Fresno to Bakersfield Draft EIR/EIS section will still end on October 13, 2011, and the revised document, to be issued in the spring of 2012, will have a separate, additional 45-day formal comment period. The public is encouraged to take advantage of the additional time for the Fresno to Bakersfield environmental process to provide further comments on the revised Draft EIR/Supplemental Draft EIS after it is released in the spring."

Like many portions of the EIR, the foregoing statement is vague and ambiguous. It does not inform the public whether the revised Draft EIR/Supplemental Draft EIS will be limited to the Hanford West Bypass and whether the Authority will respond to public comments submitted during the additional forty-five (45) day comment period that relate back to information contained in the current EIR but which is not set forth in the Draft EIR/Supplemental Draft EIR.

**Failure to Describe Project**

CEQA Guidelines §15124(a) states that "the precise location and boundaries of the project shall be shown on a detailed map, preferably topographic. . ." to be included in the EIR. The EIR fails to satisfy this requirement.

BO186-1

Submission BO186 (John W. Tos, Tos Farms, Inc., October 13, 2011) - Continued

October 11, 2011  
Page 3

BO186-1

The EIR includes aerial maps that identify parcels impacted by the proposed BNSF alignment; however, the precise location and boundaries of the project cannot be identified from such maps. It is impossible to determine whether and how certain improvements (e.g., water wells and underground irrigation pipes) will be impacted. Accordingly, the public is deprived of the ability to determine whether the proposed alignment will have a significant impact.

"The project description must contain sufficient specific information about the project to allow the public and reviewing agencies to evaluate and review its environmental impacts." *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4<sup>th</sup> 20, 26; 82 Cal. Rptr.2d 398. The EIR fails to satisfy this requirement. For example, page 3.14-38 of the EIR states: "As the design develops, this assessment will continue to be updated for current property acquisition requirements. The farmland conversion reported in this document reflects a 15% design level." This lack of specificity deprives the public of its right to review and comment upon significant impacts to the environment.

BO186-2

**Failure to Identify and Analyze Impacts**

"The environmental impact report shall include a *detailed* statement setting forth... [a]ll significant effects on the environment of the proposed project" (emphasis added). Government Code §21100(b)(1). The EIR fails to satisfy this requirement for multiple reasons.

**Failure to Identify and Analyze Impacts to Farmland and Farming Operations**

The EIR does not explain how large parcels of land will be carved into inefficient jigsaw puzzle pieces and the significant burdens that will be forced upon farmers as a result of such division of parcels. The EIR fails to analyze, for example, how the construction of the HST tracks will result in the destruction of water wells, pumps, irrigation pipes, and other agricultural improvements, and the removal of crops and crop-producing trees located thereon.

The EIR does not analyze how construction of the HST project will impact farming operations. For example, the EIR does not identify whether the Authority will require buffer zones around temporary construction areas in which pesticides, herbicides, fertilizers, and other chemicals may not be applied. Without such information, the public is unable to fully analyze and comment upon the "temporary impact" areas shown on the maps contained in Volume II: Appendix 3.1-A.

The EIR fails to identify the impacts to agricultural land temporarily used for construction of the HST project. Page 3.14-36 of the EIR merely states that land will be leased from owners and will be restored to original condition when returned to owners. The EIR does not state how improvements will be impacted or whether crop-producing trees located on the affected property will be removed.

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**Failure to Identify and Analyze Impacts to Rural Traffic**

The EIR omits a detailed statement identifying the significant effects on traffic caused by the rural road closures identified on page 3.2-51 and by parcel severance discussed on page 3.14-41 of the EIR.

The temporary and permanent closure of roads and the severance of parcels will result in a drastic increase in miles traveled by farm vehicles and equipment. Vehicles and equipment will be forced to travel miles on surface streets in order to reach the opposite side of a bisected parcel or a central shop facility or other properties on the other side of the HST track.

The BNSF alternative will have a direct impact on the miles traveled by our corporation's farm vehicles and equipment. Approximately ten (10) miles will be added to each vehicle trip, with fifty (50) vehicle trips occurring per day, six (6) days a week. Over a fifty (50) week period, the BNSF alternative will result in an additional one hundred fifty thousand (150,000) miles traveled by our corporation's vehicles each year.

The closure of roads and bisecting of parcels will add millions of vehicle miles traveled per year by the San Joaquin Valley's agriculture industry, which will result in a corresponding increase in vehicle emissions. Additional emissions will further worsen the San Joaquin Valley's air quality, which has already been deemed "non-attainment." The EIR fails to analyze this significant impact to the environment.

The increase in miles traveled by farm vehicles and equipment will also result in significant additional costs to farmers. The EIR fails to analyze such financial impact. At fifty cents (\$0.50) per mile for fuel, the BNSF alternative would result in an additional seventy-five thousand dollars (\$75,000.00) in fuel costs per year for our corporation's business. The increase in miles traveled will also result in additional labor, maintenance, repair and replacement costs. More miles driven will equate to employees and laborers spending more time in driving the additional miles and more wear and tear on vehicles and equipment.

The EIR also fails to analyze the significant risk to public safety caused by farm vehicles and equipment having to travel much greater distances on public roads. It is clear that the preparer of the EIR is not familiar with heavy farm equipment. Large equipment travels at a much slower speed than automobiles and passenger vehicles and often slows traffic on rural roads to a crawl. An increase in such traffic impediments will result in an increase in collisions. Maneuvering large equipment and negotiating turns across lanes of oncoming traffic traveling toward the equipment at highway speed will inevitably result in a rise in collision injuries and deaths. Driving conditions on rural roads in the San Joaquin Valley are greatly diminished during late-fall and winter when dense Tule fog regularly shrouds the area. Heavy farm equipment that poses a risk during normal conditions will be even more deadly when visibility on roads is reduced to less than one hundred feet (100') when thick fog is present.

The EIR fails to satisfy CEQA requirements as it lacks a detailed statement setting forth all significant effects on the environment that will be caused by the HST project.



Submission BO186 (John W. Tos, Tos Farms, Inc., October 13, 2011) - Continued

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**Failure to Identify and Analyze Mitigation Measures**

Government Code §21100(b)(3) states, "The environmental impact report shall include a *detailed* statement setting forth. . . [m]itigation measures proposed to minimize significant effects on the environment" (emphasis added).

"[A] mitigation condition that depends on the future formulation of a mitigation plan may be valid, provided the lead agency recognizes the significance of the potential environmental effect, commits itself to mitigating its impact, and articulates specific performance criteria for the future mitigation." *Gentry v. City of Murrieta* (1995) 36 Cal.App.4<sup>th</sup> 1359, 1411; 43 Cal.Rptr.2d 170.

Page 3.14-41 of the EIR states, in part:

"Although larger remainder parcels would not be at risk based on size alone, diagonal alignments could cause hardships in maintaining economic activity on otherwise viable parcels. For example, a remainder parcel may become isolated from the farm activity center, requiring farm workers (and farm equipment) to take long detours on public roads. The project design reduces these hardships by providing alignment crossings on public roads. As described in Chapter 2, and listed in Appendix 2-A, grade-separated crossings (usually overpasses) would occur at intervals of approximately 1-2 miles. The right-of-way acquisition process provides additional opportunities to reduce hardships caused by access severance. As part of this process, the Authority's right-of-way agents would work with each affected property owner to address issues of concern. Agents would attempt to resolve conflicts, for example by arranging additional property transfers to consolidate ownership. For large properties, agents may be able to arrange for additional grade-separated crossings (e.g., underpasses or small overpasses). The agents may not be able to resolve all issues, and may offer compensation to landowners that demonstrate a hardship from parcel severance. Because these issues would likely be resolved during the right-of-way acquisition process, it is unlikely that parcel severance would result in the additional conversion of farmland to nonagricultural use."

The foregoing is not a detailed statement setting forth mitigation measures and does not identify specific performance criteria for future mitigation. For example, the EIR does not specify the criteria that will warrant additional grade-separated crossings. The EIR also fails to specify how compensation to affected parties will be calculated.

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Placing the HST rail alignment through farmland will result in multiple impacts and losses. Such impacts and losses will include, without limitation, the taking of land, the destruction of trees and other long-term sources of income, and the destruction of improvements. The EIR does not specify the criteria that the Authority will utilize to compensate injured parties for such impacts and losses.

Walnut trees have a life span of forty (40) years. It will cost the Authority in excess of one hundred thousand dollars (\$100,000.00) per acre to place the rail alignment through a walnut orchard. The following is an example of how losses would be calculated:

- Five (5) year old walnut orchard (35 yrs. remaining life) on forty (40) acre parcel.
- Six (6) acres of trees removed to accommodate rail alignment.
- Three (3) ton crop per ac. per year at eighty cents (\$.80) per pound = \$4,800.00/ac./yr. gross income.
- Net income per ac. per yr. = \$4,800.00 (gross per ac.) - \$1,500.00 (expenses per ac.) = \$3,300.00/ac. per year.

Crop Value: 6 ac. x \$3,300.00/ac x 35 yrs.:	\$693,000.00
Bare Ground Value: 6 ac. x \$15,000.00/ac.:	\$ 90,000.00
Irrigation System Value:	\$ 40,000.00
Tree cost and expenses for first 6 yrs.:	<u>\$ 42,000.00</u>
<b>Total:</b>	<b>\$865,000.00</b>
	<b>\$144,167.00/ac.</b>

The EIR's description of the mitigation for such impacts and losses is virtually non-existent. The EIR essentially indicates that, if a significant impact cannot be mitigated, the Authority will compensate the injured party. The EIR does not state how such compensation will be calculated, and it is clear that the Authority does not comprehend the magnitude of the losses it will have to cover through monetary compensation.

It is common for farmland to be leased. Long-term leases can exceed thirty (30) years in length. Where land is subject to a lease, the Authority must compensate the landowner and the tenant, since both will be impacted. The EIR fails to describe the manner in which compensation will be allocated between landlords and tenants.

The EIR does not discuss the manner in which impacted facilities will be addressed and does not set forth specific performance criteria for future mitigation measures. The document, for example, fails to state whether the Authority will undertake the work to redesign and reconstruct irrigation systems and other impacted improvements or whether the Authority will merely pay landowners for the loss of such improvements and equipment. If each landowner will be responsible for redesigning and reconstructing improvements, the EIR fails to state when the landowners will be paid for the loss of improvements and how much advance notice the Authority will give to landowners. There are a limited number of contractors that construct farm-related improvements (e.g., water wells, irrigation lines, etc.). With an increased workload due to new construction of and modifications to existing farm improvements caused by the HST

Submission BO186 (John W. Tos, Tos Farms, Inc., October 13, 2011) - Continued

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project, it is conceivable it could take many months to secure a contractor and for the contractor to complete the necessary work. The EIR fails to state whether the Authority will postpone destruction of an improvement to allow a farmer sufficient time to construct a replacement or modify an existing improvement required for continued agricultural operations. Destruction of an irrigation system during spring or summer will have devastating results if a replacement is not already in place at the time of destruction. The loss of irrigation water for a prolonged period during summer months could result in the death of fruit and nut trees.

The EIR states that the Authority will acquire severed remnant parcels that can no longer be feasibly farmed. The EIR does not identify specific criteria that will be used to determine whether a remnant parcel can be feasibly farmed. The EIR also fails to identify the environmental impact that non-farmable remnant parcels will have or the mitigation measures that the Authority will take with respect to such impact. For example, unused land in rural areas is often overgrown with noxious weeds and is a popular location for illegal dumping, both of which are significant impacts that are not discussed in the EIR.

The EIR does not indicate whether a farming operation burdened with increased fuel, maintenance, repair, and replacement costs resulting from greater vehicle miles traveled and increased equipment hours will be compensated for such permanent impacts and does not specify the criteria that will be utilized in the event compensation will be paid for such impacts.

The EIR fails to satisfy CEQA requirements as it lacks a detailed statement setting forth the mitigation measures and does not articulate specific performance criteria for future mitigation.

**Violation of California Government Code §51292**

Our corporation owns and rents agricultural preserve land that will be heavily impacted by the proposed BNSF alternative.

Government Code §51292 states:

"No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings are made:

"(a) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

"(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement."

The Authority has failed to make such findings.

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BO186-6

Within the Central Valley, the rail alignment could be located within the Interstate 5 median or along the Interstate 5 corridor, thereby avoiding agricultural preserve land. Utilization of the Interstate 5 corridor would place the rail alignment within a right-of-way already controlled by the State and would eliminate many significant impacts to private land. The Authority has failed to offer substantial evidence as to why there is no other land within or outside of the impacted agricultural preserves on which it is reasonably feasible to locate the rail alignment.


**Conclusion**

The EIR is grossly deficient. It fails to identify and analyze significant environmental impacts and mitigation measures. Many conclusions regarding significant impacts and proposed mitigation are not supported by substantial evidence. As a result, the EIR does not satisfy CEQA requirements. The Authority must revise the EIR to address such deficiencies. The revised EIR must be recirculated and the public must be given at least six (6) months to review and comment on the modified document in order to satisfy the requirement that the public be given adequate time to review and comment on the EIR.

Sincerely,

TOS FARMS, INC.

By:

  
JOHN W. TOS  
President

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## Response to Submission BO186 (John W. Tos, Tos Farms, Inc., October 13, 2011)

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### **BO186-1**

Refer to Standard Response FB-Response-GENERAL-21.

Alignment plans and maps of parcels directly affected by the project where the whole parcel or a portion thereof would be acquired by the project are provided in Volume III.

### **BO186-2**

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-04, FB-Response-AG-05 and FB-Response-SO-01.

Also see Volume I, Section 3.14, Impact AG#5, for more information on effects on agricultural land from parcel severance. See Volume I, Section 3.14, Impact AG#10 and Impact AG#11, for information on the impacts on aerial pesticide spraying, dust, and pollination. For information on the property acquisition and compensation process, see Volume II, Technical Appendix 3.12-A.

### **BO186-3**

Refer to Standard Response FB-Response-TR-01, FB-Response-TR-02, FB-Response-S&S-01 and FB-Response-AG-02.

Section 3.12 of the EIR/EIS recognizes that the project will have impacts on agricultural businesses resulting in added operational expense, including the need for new equipment, new infrastructure installation, and increased access costs incurred as additional labor hours and extra gasoline for tasks such as irrigation, pesticide application, harvesting, and other field management operations. Compensation for these expenses would be determined on a case-by-case basis during the property acquisition phase of the project.

Large farm equipment operates on public roads throughout the Central Valley on a daily basis. While accidents occur as a result from these operations, those accidents are limited by the safe practices of the operators and by valley residents' awareness of the presence of large farm equipment on public roads. It is not possible to predict accident increases resulting from the additional operation of farm equipment on public roads, but it is likely that there would be some increase.

### **BO186-4**

Refer to Standard Response FB-Response-AG-02, FB-Response-AG-03, FB-Response-AG-04 and FB-Response-SO-01.

Also see Volume I, Section 3.14, Impact AG#5, for more information on effects on agricultural land from parcel severance. For information on uneconomic parcels, see Volume I, Section 3.14, Impact AG#5. For information on the property acquisition and compensation process, see Volume II, Technical Appendix 3.12-A.

### **BO186-5**

When a public agency or other eligible entity needs to acquire land enrolled in a Williamson Act contract or in an agricultural preserve, the California Department of Conservation must be notified by the public agency or other eligible entity. Specific information must accompany the notification in order for the Department of Conservation to ensure that the requirements of Government Code §§ 51290 to 51295 and 51296.6 are met. The Authority provided the required information to the Department of Conservation in a letter dated September 12, 2011 (Authority 2011I). The Department of Conservation responded to the Authority in a letter dated November 3, 2011, that included the findings referenced in this letter (California Department of Conservation 2011). This correspondence is in the administrative record for the project.

### **BO186-6**

Refer to Standard Response FB-Response-GENERAL-02.



Submission BO187 (Robert B. Hansen, Tulare Basin Wildlife Partners, October 13, 2011)



October 13, 2011

California High-Speed Rail Authority  
Fresno to Bakersfield Draft EIR/EIS Comments  
770 L Street, Suite 800  
Sacramento, CA 95814

**RE: Comments on Fresno To Bakersfield Section High-Speed Train Draft  
Environmental Impact Report/Environmental Impact Statement (EIR/EIS)**

To Whom It May Concern:

On behalf of the Tulare Basin Wildlife Partners, we submit the following comments on the Fresno To Bakersfield Section High-Speed Train Draft Environmental Impact Report/Environmental Impact Statement ("HST EIR/EIS") prepared by the California High Speed Rail Authority ("Authority") and the Federal Railroad Administration ("FRA"). These comments are submitted pursuant to the California Environmental Quality Act ("CEQA")<sup>1</sup> and the National Environmental Policy Act (NEPA)<sup>2</sup>. These comments are submitted for the Authority's consideration "prior to the close of the public hearing on the project before the issuance of the notice of determination."<sup>3</sup> These comments are in addition to, and do not in any way replace or supersede, any prior comments submitted regarding the proposed project.

Tulare Basin Wildlife Partners ("TBWP") is a science-based, collaborative leadership and advocacy organization with a local focus that forms partnerships, implements projects, educates the public, and secures funding for land and water conservation projects benefitting people and wildlife in the Tulare Basin. Established in 2005 as a 501(c) 3 non-profit organization, the Tulare Basin Wildlife Partners serve as a resource for the Tulare Basin Working Group, an alliance of more than 70 agency, non-profit, and industry partners concerned with quality of life in the Tulare Basin. Tulare Basin Wildlife Partners facilitate the engagement of partners, funders, and stakeholders in multi-benefit projects to promote

<sup>1</sup> Pub. Resources Code, § 21000, et seq.

<sup>2</sup> 42 U.S.C. § 4321 et seq.

<sup>3</sup> Pub. Resources Code, § 21177, subds. (a) and (b).

ecological and economic health, sustain our agricultural heritage, and enhance the quality of life in the Tulare Basin for current and future generations.

The Tulare Basin, located in California's southern San Joaquin Valley, encompasses portions of Fresno, Kern, Kings, and Tulare counties, where the Kings, Kaweah, Tule, and Kern rivers and many smaller creeks and streams, flow from the Sierra Nevada, Transverse, and Coast Range mountains into the historic Tulare Lakebed. Tulare Basin Wildlife Partners works as the catalyst for positive environmental change in California's southern San Joaquin Valley.

BO187-1

**I. THE DRAFT EIR/EIS DOES NOT ADEQUATELY DESCRIBE OR ANALYZE THE BASELINE  
BIOLOGICAL CONDITIONS OF THE LOCAL ENVIRONMENT.**

Tulare Basin Wildlife Partners shares the concerns of many other organizations and individuals about the environmental, social and economic impacts of the California High Speed Train System, and in particular the Fresno to Bakersfield Section of the proposed project. We also understand that the Authority and the FRA anticipate releasing a Revised Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the Fresno to Bakersfield Section in the Spring of 2012.

For every environmental factor of concern to TBWP (i.e. aesthetics, biological resources, agricultural resources, cultural resources, hydrology, air quality, land use, public services, utilities, noise, population and transportation) the Authority and FRA are required to provide an adequate description of the current "baseline" conditions of the project area. As the California Courts have said, the lead agency must describe the existing environment "before the impacts of a project can be assessed and mitigation measures considered. It is only against this baseline that any significant environmental effects can be determined."<sup>4</sup> The Draft EIR/EIS is inadequate in providing sufficient information about environmental conditions "in the vicinity of the project...from both a local and regional perspective."

The Courts have also indicated that merely presenting "raw data" is not sufficient to comply with CEQA or NEPA. In considering whether the proposed mitigation measures are adequate, the Draft EIR/EIS requires at least a minimal level of analysis that will provide decision makers with sufficient information to make an intelligent decision."<sup>5</sup> TBWP do not believe the Authority and FRA have met CEQA's basic, threshold test for environmental evaluation. It is impossible for the decision makers or the public to adequately assess the potential environmental effects of the Fresno to Bakersfield HST Section without a clear understanding of the existing environmental conditions.

<sup>4</sup> *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952; Guidelines, §§ 15125, subd. (a); 15126.2, subd. (a).

<sup>5</sup> *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 124 citing *County of Amador v. El Dorado County Water Agency*, supra, 76 Cal.App.4th at p. 955.

Submission BO187 (Robert B. Hansen, Tulare Basin Wildlife Partners, October 13, 2011) - Continued

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In particular, the "Biological Resources and Wetlands" Chapter of the Draft EIR/EIS and the "Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report (Authority and FRA 2011c)" are overly vague and general. The EIR/EIS acknowledges that only 40% of the proposed right-of-way was accessed for biological studies, and therefore the data presented completely misses many important biological resources. The Draft EIR/EIS provides insufficient information based upon *actual* site-specific analysis or surveys of the project site, or project vicinity. How thorough are the Authority's maps? How up to date? Do they include a process for "ground-truthing" and verification through on-site surveys? Did the Authority and FRA develop survey methodology that account for annual and seasonal changes to habitat and hydrology conditions?

What plant and animals species are actually found on and around the proposed right of way for the Fresno to Bakersfield HST Section? Why didn't the Authority and FRA arrange to have a team of qualified biologists and botanists walk and survey the entire proposed route? Could the intensified use of the right of way substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife breeding and rearing sites? What are the impacts of the project on intermittent creeks? Are the Authority and FRA aware of the presence of wetlands north of Corcoran, and why were these resources not identified and analyzed for potential environmental effects from the HST project? The same holds true for the collection of desert scrub, alkali sink, vernal pools, vernal swales and seasonal wetlands in the vicinity of Allensworth. The biological and wetland resources were not accurately identified in the Draft EIR/EIS, and further survey work should be conducted in this area.

Finally, much of the land in the Draft EIR/EIS identified as "farmland" has not been farmed in many years and has potential for containing populations of several threatened and endangered species and Species of Special Concern. The Authority and FRA need to conduct actual ground surveys for idle or fallow farmland areas to determine the presence of species such as documented populations of burrowing owls that could be occupying these lands.

BO187-2

**II. THE DRAFT EIR/EIS DOES NOT PROVIDE ADEQUATE MITIGATION MEASURES FOR DIRECT, INDIRECT AND CUMULATIVE IMPACTS TO BIOLOGICAL RESOURCES.**

Because the Biological Resources section is overly general and does not contain enough specific data on potential impacts to species and habitat, the proposed mitigation measures are also overly vague and general. The proposed mitigation measures are based only on the exact acres of land that the right-of-way will cross. This shows a clear misunderstanding of indirect and cumulative impacts to biological resources because the disturbance and effects of the proposed HST project are much greater than just the footprint of the right of way. What are the potential disruptions to wildlife movement patterns from high-speed trains passing at regular (i.e. 15 minute) intervals? Did the Authority and FRA analyze and

BO187-2

consider creating a buffer zone in addition to mitigating for the actual right of way footprint?

BO187-3

**III. THE PROPOSED ALLENSWORTH BYPASS ALTERNATIVE HAS SIGNIFICANT, UNMITIGATED IMPACTS NOT ADEQUATELY ANALYZED OR DISCLOSED IN THE DRAFT EIR/EIS.**

The TBWP hereby incorporates by reference many of the comments prepared by the Bureau of Land Management, ("BLM") regarding the Atwell Island Project. The Atwell Island Project is located approximately 4 miles west of the current BNSF alignment and approximately 2 miles west of the Allensworth Bypass. Over the past 10 years, the Atwell Island Project has purchased 8,000 acres of marginal farm land and is in the process of restoring this land to native alkali sink, valley grassland, and wetland habitats. One of the functions of the project lands is to provide wildlife linkage habitat between Sand Ridge and Kern National Wildlife Refuge to the west and Allensworth State Historic Park, Allensworth Ecological Reserve, and Pixley National Wildlife Refuge to the east.

The Allensworth Bypass Alternative has environmental impacts that are not addressed and/or are underestimated in the Draft EIR/EIS. This Alternative route would cross Alpaugh Irrigation District ponds (just north of Ave. 56 and just west of Hwy 43). These ponds have breeding colonies of colonial waterbirds such as white-faced ibis (up to 500 pairs), black-crowned night-herons (50 to 100 pairs), and snowy egrets (up to 50 pairs). In addition to crossing the Alpaugh Irrigation District's ponds, the Allensworth Bypass Alternative would also pass through the Ton Tache lake bed for approximately 7 miles. This shallow lake was historically fed by Poso Creek, White River, and Deer Creek and during wet winters such as 2010/2011, water is up to 4 feet deep in this basin. The alignment would also cross several Natural Resource Conservation Service Floodplain Easements south of Ave. 56, in the Ton Tache lakebed, which are not mentioned in the Draft EIR/EIS.

The Allensworth Bypass Alternative proposes to cross the historic Ton Tache lake shore in two locations, and the southern most crossing has potential for significant impacts to a population of blunt-nosed leopard lizards (BNLL). From the maps it is hard to tell the exact location of this alignment, but an existing, high density population of BNLL's is located within one mile of the alignment and it may even be closer, depending on the exact location of the tracks. Dispersers from this population have been found up to two miles away to the northwest on the Atwell Island Project and a similar dispersal is possible to the east.

The Allensworth Bypass Alternative would have the effect of further fragmenting an already highly fragmented landscape and would intersect a relatively undisturbed area. The Alternative would also bisect the existing wildlife movement corridor between Kern National Wildlife Refuge, Sand Ridge, and Atwell Island to the west and Pixley National Wildlife Refuge to the east. The suggestion in the Draft EIR/EIS to move the BNSF tracks west to coincide with the Allensworth Bypass would compound the wildlife movement

Submission BO187 (Robert B. Hansen, Tulare Basin Wildlife Partners, October 13, 2011) - Continued

BO187-3

issues because Highway 43 would still be in its current location and therefore there would be two barriers to wildlife movement instead of the one that currently exists.

Considering all of these issues, the TBWP strongly urges the Authority and FRA to reject the Allensworth Bypass Alternative.

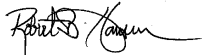
**IV. CONCLUSION**

The Draft EIR/EIS prepared for the proposed project is legally inadequate. The Draft EIR/EIS (1) fails to provide "baseline" information about the project setting, (2) fails to acknowledge several of the project's potentially significant impacts and (3) improperly places the burden on the public and other agencies to identify the project's potentially significant adverse environmental effects.

TBWP also hereby incorporates by reference all prior comments that our members and all other parties have previously submitted about this proposed project. The Authority and the FRA should not approve the Fresno-Bakersfield Section until a revised EIR/EIS is prepared that demonstrates that all of the project's potentially significant adverse effects have been mitigated to "less-than-significant" levels.

Thank you for this opportunity to comment on the Draft EIR/EIS. We look forward to working with you as this process moves forward.

Sincerely,



Robert B. Hansen  
President

*Contact: Carole K. Combs, Executive Director/Secretary of the Board, Tulare Basin Wildlife Partners, P.O. Box 1180, Three Rivers, CA 93271; ph (559)799-7204, fx (559) 561-1921; ccombs@thegrid.net; www.tularebasinwildlifepartners.org*

## Response to Submission BO187 (Robert B. Hansen, Tulare Basin Wildlife Partners, October 13, 2011)

### **BO187-1**

Refer to Standard Response FB-Response-BIO-03.

Biological surveys were conducted according to the methods described in the Central Valley Biological Resources and Wetland Survey Plan, which was prepared, in part, for the Fresno to Bakersfield Section and was transmitted to natural resources regulatory agencies (the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the Central Valley Regional Water Quality Control Board) in October 2009 (Authority and FRA [2009] 2011). Additional information about survey methodology is provided in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012f).

Surveys to identify biological resources within the project footprint were conducted during the optimal period to observe the resources and to account for seasonal changes. The surveys were conducted onsite where access was available, either through public rights-of-way or in areas where permission to enter was granted by private landowners. In areas where permission to enter was not granted, public rights-of-way were used to visually assess inaccessible areas, where possible. In areas where no access was available, aerial photo interpretation and image-processing techniques were used to identify the extent of jurisdictional waters and species-status species habitat.

Results of biological survey efforts, including observations of special-status plant and wildlife species, special-status plant communities, and jurisdictional waters in the study area, are described in detail in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012f). A complete list of plant and wildlife species observed during biological surveys is provided in Appendix D and Appendix F, respectively, of the technical report. As described in the technical report and in Section 3.7, Biological Resources and Wetlands, of the Final EIR/EIS, all wetland resources present in the Wetland Study Area (the construction footprint plus a 250-foot buffer) were mapped and analyzed for potential environmental effects. All wildlife habitats, including alkali desert scrub, were mapped in the core Habitat Study Area (the construction footprint plus a 250-foot buffer) using field survey data. This mapping was extended an additional 750 feet (to create a 1,000-foot buffer around the construction footprint) using aerial image interpretation. Therefore, the presence of wetland features

### **BO187-1**

and sensitive habitats has been evaluated in the environmental impact analysis.

Areas that have previously been farmed were generally categorized as either annual grasslands, if the signs of disturbance appeared to have occurred in the past (not recently), or as cropland, if there was clear evidence of recent disturbance due to agricultural uses. In both cases, these areas are considered as potential habitat for special-status wildlife species, when appropriate, as listed in Attachment 2 of Appendix 3.7-B, Comparison of Impacts on Biological Resources by Alternative, of the Final EIR/EIS. For cropland, only species that are known to occur in agricultural areas or in moderately disturbed areas were considered to have potential to occur in cropland.

### **BO187-2**

The study area for evaluating direct and indirect impacts on biological resources was larger than the project footprint and included the footprint and buffer zone specific to each resource, as was described in Section 3.2.1 in the Revised DEIR/Supplemental DEIS. The mitigation measures described in Section 3.7.7 of the Revised DEIR/Supplemental DEIS have been designed to mitigate for both direct impacts within the project footprint and for potential indirect and cumulative impacts that may occur outside of the project footprint.

### **BO187-3**

Refer to Standard Response FB-Response-BIO-01.

Section 3.7.5.3 of the Revised DEIR/Supplemental DEIS describes the potential impacts of the project on wetland bird species (including migratory birds protected under the Migratory Bird Treaty Act as well as breeding birds) and the potential impacts on native fauna. Potential impacts on birds due to interactions with electrical systems are described in Section 3.7.5.3. The mitigation measures listed in Section 3.7.7 of the Revised DEIR/Supplemental DEIS will be implemented to avoid and mitigate for the potential impacts on birds. Specifically, Mitigation Measure BIO-31: Raptor protection on power lines, will mitigate potential impacts on birds as a result of interactions with power lines.

As stated in the Revised DEIR/Supplemental DEIS, the blunt-nosed leopard lizard is a

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Response to Submission BO187 (Robert B. Hansen, Tulare Basin Wildlife Partners, October 13, 2011) - Continued

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**BO187-3**

California Fully Protected Species; therefore, measures must be taken to completely avoid (not just minimize) take of this species. The potential for blunt-nosed leopard lizards to occur in the study area from known source populations is discussed in detail in the *Fresno to Bakersfield Section: Biological Resources and Wetlands Technical Report* (Authority and FRA 2012f). The mitigation measures presented in Section 3.7.7 of the Revised DEIR/Supplemental DEIS (Mitigation Measure BIO-26: Conduct protocol-level surveys for blunt-nosed leopard lizard; Mitigation Measure BIO-27: Conduct preconstruction surveys for blunt-nosed leopard lizard; Mitigation Measure BIO-8: Blunt-nosed leopard lizard avoidance; and Mitigation Measure BIO-57: Compensate for impacts on blunt-nosed leopard lizard, Tipton kangaroo rat, and Nelson's antelope squirrel) are designed to completely avoid take of the species, with consideration of their potential to occur.



Submission BO188 (Richard Schafer, Tule River Association, October 12, 2011)

Fresno - Bakersfield - RECORD #647 DETAIL	
Status :	Action Pending
Record Date :	10/12/2011
Response Requested :	
Stakeholder Type :	Other
Submission Date :	10/12/2011
Submission Method :	Website
First Name :	Richard
Last Name :	Schafer
Professional Title :	Watermaster
Business/Organization :	Tule River Association
Address :	
Apt./Suite No. :	
City :	Visalia
State :	CA
Zip Code :	93291
Telephone :	559-734-1348
Email :	rschafer@rlsmap.com
Email Subscription :	Fresno - Bakersfield
Cell Phone :	
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	The Tule River Association, composed of the parties with water rights on the Tule River at and below Success Dam, was formed in 1965 subsequent to the completion of Success Dam in 1961, and is responsible for the administration of the Tule River waters from Success Dam to the Kings County line.
BO188-1	In review of the Draft Fresno to Bakersfield Section, Hydrology and Water Quality Technical Report, the source of the Tule River flow data set forth in Table 4.2-7, page 4-20, provides concern to the reader as the record of the Tule River below Success Dam California commenced in October 1960 and is available through Water Year 2010 with prior year data of record to 1953. Of concern is the maximum cfs. flows identified in said Table 4.2-7, which do not represent actual conditions of the past 50 years.
BO188-2	Although we have only conducted minimal review of the extensive Environmental Impact Report/Environmental Impact Statement, due to the time constraints provided to readers, we are unable to identify details of the proposed bridge crossing of the Tule River, other than set forth in Table 4.2-3 that identifies a 150' bridge. We request that should the High Speed Train become a reality, that the design team for the bridge crossing expend time with the local water managers for review of hydrology before design of the bridge and for understanding of the consequences of the High Speed Train facilities on the flood plain.
BO188-3	It appears the Tule River Subbasin, identified as a groundwater basin of 467,000 acres, covers channels other than the Tule River, such as Deer Creek and White River, for which we have similar comments as set forth herein above for the Tule River.
EIR/EIS Comment :	Yes

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## Response to Submission BO188 (Richard Schafer, Tule River Association, October 12, 2011)

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### **BO188-1**

Table 4.2-7 in the Revised DEIR/Supplemental DEIS was updated to include the period of record data (i.e., streamflow data from 1960-1990) available from the U.S. Geological Survey. The updated table is found in the revised Hydrology and Water Quality Technical Report. Several of the monthly maximums were associated with the winter of 1983, and additional data from other sources for the last 20 years may show an increase in the maximum flow during very wet years. The design for bridges across the major streams such as the Tule River will be finalized as part of the design build project. The updated Hydrology report, Table 4.2-3 in the Revised DEIR/Supplemental DEIS, shows a revised value of 300 feet for the length of the Tule River crossing. This could be a bridge or aerial structure. The bridge will be designed to pass the 100-year event without increasing the water level above the level for existing conditions.

### **BO188-2**

Refer to Standard Response FB-Response-HWR-03.

### **BO188-3**

Refer to Standard Response FB-Response-HWR-03.

The Tule River groundwater basin area is as defined by the California Department of Water Resources (DWR). Its boundaries encompass portions of the Tule River, Deer Creek, and White River watersheds but do not follow the boundaries of those watersheds.

Appendix 3.8-A of the Revised DEIR/Supplemental DEIS shows the length of the structure needed to cross Tule River and Deer Creek. These could be bridge or aerial structures. Bridges will be designed to pass the 100 year event without increasing the water surface elevation in the 100-year floodplain by more than 1 foot, or as required by state or local agencies. The design for bridges across the major streams such as the Tule River will be finalized as part of the design build project.

Submission BO189 (R. Michael Viayra, Jr., Vintage Production California LLC, October 13, 2011)



October 13, 2011

**VIA HAND DELIVERY**

Fresno to Bakersfield Draft EIR/EIS Comment  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

**Re: Fresno to Bakersfield Section of the California High Speed Rail: Draft EIR/EIS**

To Whom It May Concern:

Vintage Production California LLC ("Vintage") submits the following comments on the California High Speed Rail Authority's ("Authority") Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") for the Fresno to Bakersfield segment (the "Project"). As set out below, the Draft EIR/EIS is fundamentally flawed such that certification of the Draft EIR/EIS in its current condition would, as a matter of law, violate the California Environmental Quality Act ("CEQA"). (Pub. Resources Code § 21000 *et seq.*) For the following reasons, the Draft EIR/EIS must be revised and recirculated. (CEQA Guidelines, § 15088.5.)

**I. The Draft EIR/EIS Erroneously Concludes That The Project's Present And Future Impacts On Mineral Resources Are Less Than Significant. There Is No Substantial Evidence To Support This Conclusion And, Accordingly, The Draft EIR/EIS Is Legally Inadequate.**

A. The Draft EIR/EIS Does Not Include Substantial Evidence to Support a "Less Than Significant" Conclusion.

CEQA requires potential projects to analyze impacts to mineral resources. (See CEQA Guidelines, 14 Cal. Code Regs. §§ 15000 *et seq.*, Appendix G at X.) A significant impact will result if the project would:

result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

(Draft EIR/EIS, p. 3.9-7 citing CEQA Guidelines, Append. G (CEQA Checklist).)

In making significance determinations, the lead agency must include **substantial evidence** in the record to support its conclusions. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal. 4th 415, 435; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 566.) "Substantial evidence" includes "reasonable assumptions predicated upon facts, and expert opinion supported by facts." (CEQA Guidelines,

1

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9600 Ming Avenue, Suite 300  
Bakersfield, California 93311  
Phone 661.869.6224, Fax 661.869-8158

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10-13-11P02:40 RCVD

October 13, 2011

Fresno to Bakersfield Draft EIR/EIS Comment  
California High Speed Rail Authority

Re: California High Speed Rail Fresno to Bakersfield Draft EIR/EIS

BO189-1

§ 15384 (*emphasis added*).) An environmental impact report which makes conclusions without an explanation of its factual and analytical basis is legally insufficient. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 404.) These standards require the Draft EIR/EIS to adequately inform the public and the approving agency of the potential environmental impacts (including the impact to mineral resources) that may result from the proposed Project. (Pub. Resources Code § 21000, 21001; CEQA Guidelines, § 15002.)

The Draft EIR/EIS does not include substantial evidence to support its conclusions and accordingly fails to analyze the Project's impacts on mineral resources. For example, in the Public Utilities and Energy section, the Draft EIR/EIS concedes that oil wells would be displaced. However, the section simply concludes that:

the effect upon the capacity or viability of the petroleum resource and industry extraction operations as a whole would be less than significant.

(Draft EIR/EIS, p. 3.6-51.)

BO189-2

Despite the fact that the "Geology, Soils and Seismicity" section identifies five oil fields, seven active wells and four abandoned wells<sup>1</sup> that lie within the footprint of the proposed alignments (Draft EIR/EIS, p. 3.9-23), the Draft EIR/EIS makes a cursory conclusion that the Project will have a less than significant impacts on mineral resources because:

the [P]roject [will] not affect the overall availability of petroleum or natural gas from a given oil or gas field.

(Draft EIR/EIS, p. 3.9-30.)

On its face, the conclusion that there would be a less than significant impact is unsupported by any evidence, much less substantial evidence. The Draft EIR/EIS identifies the

<sup>1</sup> Vintage submits herewith, and incorporates by reference into these comments, the data depicted in the enclosed map, which Vintage has prepared to visually show that the information concerning impacted fields and wells described in the Draft EIR/EIS is incorrect and/or incomplete. The data regarding field and well locations in the attached map is taken from public records available through the Department of Conservation, Division of Oil, Gas and Geothermal Resources, and is an accurate representation of the impacts to producing fields and wells based on the Alternatives analyzed in the Draft EIR/EIS.

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Submission BO189 (R. Michael Viayra, Jr., Vintage Production California LLC, October 13, 2011) - Continued

October 13, 2011

Fresno to Bakersfield Draft EIR/EIS Comment  
California High Speed Rail Authority  
Re: California High Speed Rail Fresno to Bakersfield Draft EIR/EIS

BO189-2

very mineral resources that lie directly in the path of the Project's proposed alignments, concludes that the alignments cross producing oil and gas fields and would displace wells, and yet offers no evidence or analysis to support its conclusion that oil and gas availability would not be significantly impacted. There is simply a bare assertion that the Project will not affect the overall availability of mineral resources.

As noted above, CEQA requires expert opinion supported by facts. Yet, despite the highly technical nature of the mineral resource issue, the Draft EIR/EIS does not cite to any scientific evidence to support its conclusions. For example, there is no evidence that the Draft EIR/EIS preparers discussed this impact with petroleum engineers, geologists, or other industry experts. The Project route splits areas identified by the Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR") as producing oil and gas fields and yet the Draft EIR/EIS does not cite to any discussions with DOGGR personnel on this issue.

Moreover, the Draft EIR/EIS fails to consider indirect impacts to the mineral resources in the area. CEQA requires a draft EIR to discuss the ways in which a proposed project would result in additional economic or population growth in the area surrounding the project. (CEQA Guidelines, § 15126(d).) The Project would result in other development along the Project route, such as commercial and residential development. This development would in turn result in impacts to the availability of mineral resources. Yet these potential impacts are not discussed at all in the Draft EIR/EIS.

BO189-3

*B. The Actual Impact to Mineral Resources if the Wasco Bypass Alternative is Selected Needs to Be More Carefully Analyzed.*

The Draft EIR/EIS minimizes the impact the Project would have on mineral resources if the Wasco Bypass Alternative is selected. For example, Vintage is actively developing the North Shafter oil field, which the proposed Bypass Alternative bisects nearly in half. Vintage has allocated tens of millions of dollars to developing this oil field and has continuously drilled in North Shafter since April 2010, having drilled 15 wells during that time. The field has over forty wells currently in production which are all tied together via a network of flow lines, pipelines, and power lines to a central gathering and processing facility which in turn is connected to pipelines and utilities.

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October 13, 2011

Fresno to Bakersfield Draft EIR/EIS Comment  
California High Speed Rail Authority  
Re: California High Speed Rail Fresno to Bakersfield Draft EIR/EIS

BO189-3

Vintage has made its concerns about the impact of the Wasco Bypass Alternative to mineral resources known to the Authority on numerous occasions in the last fourteen months and provided detailed information about the location of the North Shafter oil field, Vintage's operations, and its facilities. As a result of these discussions, the Authority has modified the Bypass Alternative slightly to avoid crossing that parcel of land containing Vintage's central collection and processing facility. Vintage appreciates the cooperative efforts the Authority has exhibited in this process to date and provides these comments to further these same efforts for the entire length of the Bypass Alternative.

As previously mentioned, enclosed herewith is a map prepared by Vintage to show the Bypass Alternative in relation to Vintage's current producing wells and other infrastructure that Vintage operates in North Shafter and Rose oil fields. Vintage also has noted a 1,000 foot swath (500 feet on each side of the track) to show the reasonable distance from the track that would be directly impacted by construction activities. Based on a review of the map, the proposed Bypass Alternative would directly impact at least seven of Vintage's producing wells, four proposed near term future well sites, and will likely impact future development. Also, the Bypass Alternative bisects the North Shafter field, leaving up to half of the wells isolated from the main production facility.

Contrary to the statements made in the Draft EIR/EIS, relocating the impacted wells that are currently producing from the North Shafter oil field is not a simple matter. Not only would relocation involve complicated engineering plans at great expense over a number of months, it would certainly result in the loss of production while these wells were shut-in. It also would result in a potentially significant and permanent loss of mineral resources if replacement wells were not able, for a number of geologic or construction-related reasons, to access the hydrocarbons that the existing wells now are able to produce. This problem will only be exacerbated as time goes on, as Vintage has firm plans to further develop the North Shafter and Rose oil fields and the area in between.

Accordingly, the conclusion that overall availability of mineral resources would not be impacted by the Project is not supported by any evidence, much less substantial evidence. Therefore, the Draft EIR/EIS's consideration of impacts to the availability of mineral resources is legally inadequate and must be revised.

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Submission BO189 (R. Michael Viayra, Jr., Vintage Production California LLC, October 13, 2011) - Continued

October 13, 2011

Fresno to Bakersfield Draft EIR/EIS Comment  
California High Speed Rail Authority  
Re: California High Speed Rail Fresno to Bakersfield Draft EIR/EIS

BO189-4

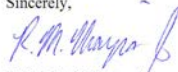
**II. The Project Would Result In Significant Impacts To Mineral Resources: Therefore, The Draft EIR/EIS Must Include A Reasonable Range Of Alternatives And Incorporate Feasible Mitigation Measures That Would Reduce These Impacts.**

CEQA requires an EIR identify and describe feasible mitigation measures and a reasonable range of alternatives that would lessen or otherwise avoid significant impacts. (CEQA Guidelines, § 15126.4(a)(1); Pub. Resources Code § 21100(b)(3).) As previously explained, the proposed Project would have a significant impact on the availability of mineral resources. Accordingly, the Draft EIR/EIS must provide mitigation measures and alternatives that would reduce the severity of these impacts on mineral resources to a less than significant level. Since the Draft EIR/EIS does not do so, it is inadequate as a matter of law.

**III. Conclusion**

The proposed Project's impacts on mineral resources have not been adequately addressed in the Draft EIR/EIS. Nor have mitigation measures or alternatives been proposed that would substantially lessen these impacts. For these reasons, the Draft EIR/EIS must be revised and recirculated.

Sincerely,

  
R. Michael Viayra, Jr.  
Senior Counsel

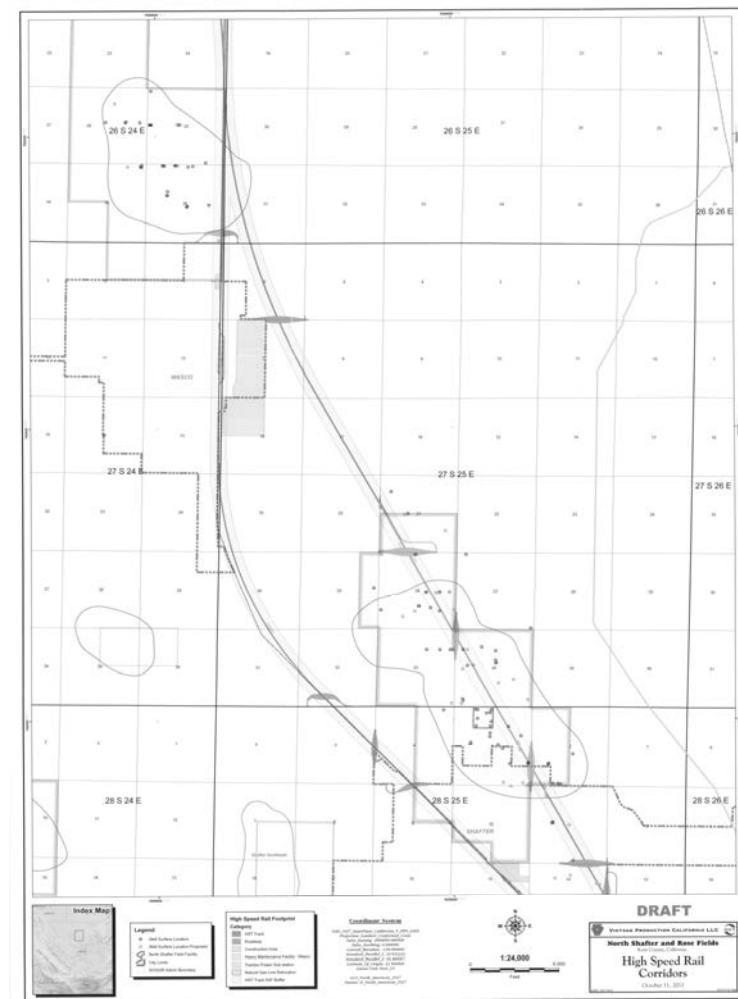
RMV/jhc

Enclosure

cc: Michael N. Mills, Esq., Stoel Rives LLP

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## Response to Submission BO189 (R. Michael Viayra, Jr., Vintage Production California LLC, October 13, 2011)

### **BO189-1**

Section 3.6, Public Utilities and Energy, states that a number of oil wells would be replaced within large, existing tracts. The cost for well decommissioning and replacement would be borne by the Authority, and the effect on the capacity or viability of the petroleum resource and industry extraction operations relative to public utilities and energy was determined to be less than significant. In addition, displacement of oil wells is addressed in Section 3.9, Geology, Soils, and Seismicity.

The Authority met with representatives from Occidental Petroleum Corporation and its subsidiaries, Vintage Production California LLC, Vintage Petroleum LLC, and OXY USA Inc. (collectively, "OXY") on April 25, 2013 in Wasco, California to discuss potential impacts associated with the project. In their follow up letter of May 16, 2013, OXY provided information including an updated list and map of impacted wells (16 wells at the time of the letter) for consideration in the EIR/EIS.

### **BO189-2**

Based on a discussion with Mr. Dayne L. Frary of the Division of Oil, Gas, and Geothermal Resources, Bakersfield District Office, it is feasible to cap active oil wells and drill new wells installed several hundred feet away to tap into the same oil deposit. This type of action is very rare, as development at the surface is typically planned around active wells, albeit at a cost, as can be seen for example throughout the city of Bakersfield.

It is understood that data collected from exploration activities is used to optimize the entrance to the target zone when drilling and developing a well. Therefore, capping an existing well and redrilling into the target zone from a nearby location may not result in the same level of production from the new well. The production rate from a new well cannot be estimated before it is installed. Consequently, replacing wells may result in a reduction in the rate of production. As stated in the EIR/EIS, the Authority would compensate well owners for relocation and drilling of new wells, relocation of ancillary pipelines and underground conveyance, as well as for any loss in production.

The Authority met with representatives from Occidental Petroleum Corporation and its subsidiaries, Vintage Production California LLC, Vintage Petroleum LLC, and OXY USA Inc. (collectively, "OXY") on April 25, 2013 in Wasco, California to discuss potential

### **BO189-2**

impacts associated with the project. In their follow up letter of May 16, 2013, OXY provided information including an updated list of impacted wells for consideration in the EIR/EIS.

### **BO189-3**

The Authority continues to receive information from Vintage regarding the development of the North Shafter oil field, and understands that this is a major petroleum development. Based on the information that has been provided by Vintage and the Division of Oil, Gas, and Geothermal Resources (DOGGR), there are many more wells installed since publication of the Revised DEIR/Supplemental DEIS, and well installation continues.

Based on a conversation with DOGGR staff (Mr. Dayne Frary, Bakersfield District Office), it is not possible to know whether a replacement well can extract the hydrocarbons being produced by an active well with the same efficiency; therefore, production rates could be reduced if active wells need to be replaced. As stated in the EIR/EIS, the Authority would compensate well owners for any loss in production.

There is no substantial evidence that replacement of existing oil wells can result in the same level of production as existing wells. On the other hand, this submission provides no substantial evidence that there would be a permanent loss of mineral resources if active wells are capped and new wells are installed from nearby surface locations. The project would not result in damage to the geologic horizons containing the oil; however, it is possible that it would make it more difficult and costly to exploit the hydrocarbon resource based on existing extraction technology.

The Authority met with representatives from Occidental Petroleum Corporation and its subsidiaries, Vintage Production California LLC, Vintage Petroleum LLC, and OXY USA Inc. (collectively, "OXY") on April 25, 2013 in Wasco, California to discuss potential impacts associated with the project. In their follow up letter of May 16, 2013, OXY provided information including an updated list of impacted wells for consideration in the EIR/EIS.

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Response to Submission BO189 (R. Michael Viayra, Jr., Vintage Production California LLC, October 13, 2011) - Continued

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**BO189-4**

The EIR/EIS examines two alternatives in the Wasco-Shafter area. The BNSF Alternative largely avoids active oil wells while the Wasco-Shafter Bypass Alternative crosses through the center of the North Shafter field where oil production is accelerating. The project would impact existing active oil wells, particularly along the Wasco-Shafter Bypass Alternative. Replacement wells may or may not be as productive as the active oil wells. The Authority would compensate well owners for any loss of production, as stated in the EIR/EIS.

As previously discussed, the Authority met with representatives from Occidental Petroleum Corporation and its subsidiaries, Vintage Production California LLC, Vintage Petroleum LLC, and OXY USA Inc. (collectively, "OXY") on April 25, 2013 in Wasco, California to discuss potential impacts associated with the project. In their follow up letter of May 16, 2013, OXY provided information including an updated list of impacted wells for consideration in the EIR/EIS.

Submission BO190 (Matt Warmerdam, Warmerdam Dairy, August 26, 2011)

Fresno - Bakersfield - RECORD #161 DETAIL	
Status :	Action Pending
Record Date :	8/26/2011
Response Requested :	
Stakeholder Type :	Business
Submission Date :	8/26/2011
Submission Method :	Website
First Name :	Matt
Last Name :	Warmerdam
Professional Title :	Accountant
Business/Organization :	Warmerdam Dairy
Address :	
Apt./Suite No. :	
City :	Visalia
State :	CA
Zip Code :	93277
Telephone :	
Email :	mwcfo@hotmail.com
Email Subscription :	Fresno - Bakersfield
Cell Phone :	
Add to Mailing List :	Yes
Stakeholder Comments/Issues :	While the California High Speed Rail Project may be good for California, it will only be successful if it provides service to as many people as possible and negatively impacts as few people as possible.

BO190-1 | With regards to the Fresno - Bakersfield section, the Project information states that the plan is to also serve the residents of Kings and Tulare Counties. With that in mind, it seems to me that locating the route along Highway 99 would be a better alternative with a potential rail station near the Visalia Municipal Airport. Tulare County's population is over 400,000 while Kings County's is not even 150,000. The City of Visalia alone has nearly the same population as all of Kings County. To serve the most people efficiently, the rail station should be near these people. This makes an alignment along Highway 99 much more favorable.

BO190-2 | In addition, there is already a north / south state route in Highway 99. In fact, there are 2 in most places as the Old Highway 99 still exists. It would be less intrusive to replace the old highway with new rail then to take productive agricultural land. We as a society would lose these lands that we so rely on for food and fiber and that are becoming increasingly scarce, all while our population and needs continue to grow. In addition, this route will create new bifurcations to existing business operations that will lead to inefficiencies in production undoubtedly not included in your analysis. This will lead to further loss of production. All of this will lead to a loss of production and jobs that will never return.

BO190-3 | While efficient and affordable travel is certainly nice (and I must assume that this is), we must not lose sight that our first priority is to provide food, and citizens must have jobs available year in and year out to buy this food and use the proposed Train. Once we come to rely on another country for our food, our destiny is no longer our own.

BO190-4 |

EIR/EIS Comment : Yes

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## Response to Submission BO190 (Matt Warmerdam, Warmerdam Dairy, August 26, 2011)

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### **BO190-1**

Refer to Standard Response FB-Response-GENERAL-02.

### **BO190-2**

Refer to Standard Response FB-Response-GENERAL-02.

### **BO190-3**

Refer to Standard Response FB-Response-GENERAL-04.

See Standard Response FB-Response-GENERAL-04. See Volume I, Section 3.14, Impact AG#4 for information on the permanent conversion of agricultural land, and see Mitigation Measure AG-1 in Volume I, Section 3.14 for measures to preserve the total amount of prime farmland.

### **BO190-4**

Refer to Standard Response FB-Response-GENERAL-10, FB-Response-GENERAL-14, FB-Response-SO-03.

See the Revised DEIR/Supplemental DEIS, Volume I, Section 3.12, Impact SO #11, for the potential displacement and relocation of businesses and their employees. The Authority will ensure maintenance of existing, provide replacement, or compensate for property access. The property acquisition and compensation plan includes provisions to ensure that relocated businesses or partially impacted businesses remain fully operational, either at a new or current location. For more information, see Volume II, Appendix 3.12-A.

For information on new job creation and the resulting impacts on the regional economy, see Volume I, Section 3.12, Impact SO #5 and SO #14. Also see Section 5.1.2 of the Community Impact Assessment Technical Report for more detailed information on short-term and long-term job creation.

Submission BO191 (Holly King, Wasco-Shafter Agricultural Group, September 13, 2011)

**Jeffery Hardoin**

**From:** Jeff Abercrombie  
**Sent:** Wednesday, September 14, 2011 10:44 AM  
**To:** Jeffery Hardoin; Ann Koby; Barkley, Kitty C.; Rebecca Nicholas; Shay Humphrey; Bryn Forhan [b4forhan@comcast.net]  
**Subject:** FW: Letter of Request... for an extension from 10/13/ to 11/11  
**Attachments:** Request for 30 Extension of EIR.DOCX

FYI

Jeff Abercrombie  
Area Program Manager, Merced - Bakersfield  
California High Speed Rail Authority  
559-801-1164

**From:** Laura Gonzales [mailto:lgonzales@pacific-ag.net]  
**Sent:** Wednesday, September 14, 2011 10:44 AM  
**To:** Jeff Abercrombie  
**Cc:** Holly King  
**Subject:** Letter of Request...

Good Morning,

I am sending this letter out on behalf of Holly A. King.

*Laura Gonzales*

Administrative Assistant



P.O. Box 1200  
29341 Kimberlina Rd.  
Wasco, CA 93280  
Office: (661) 587-2250  
Fax: (661) 587-2254  
[lgonzales@pacific-ag.net](mailto:lgonzales@pacific-ag.net)

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Submission BO191 (Holly King, Wasco-Shafter Agricultural Group, September 13, 2011) - Continued

Wasco-Shafter Agricultural Group  
P.O. Box 1200  
Wasco, CA 93280



Wasco-Shafter Agricultural Group  
Page 2

September 13, 2011

Mr. Roelof van Ark  
Chief Executive Officer  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

RE: Request to extend the public comment period for the Draft Environmental Impact Report/Statement for the Fresno to Bakersfield Section High Speed Rail (SCH# 2009091126)

Dear Mr. van Ark:

BO191-1

The Wasco-Shafter Agricultural Group respectfully requests a thirty (30) day extension of the public review period ending October 13, 2011 to November 11, 2011 for the Draft Environmental Impact Report/Statement of the proposed Fresno to Bakersfield Section High Speed Rail project in accordance with CCR section 15088, 15105, 15203 and 15207 of the amended CEQA guidelines.

This is a substantial project that affects a large population and geographic area of the Central Valley. It traverses over 100 miles of land, includes significant portions of the two largest cities in the San Joaquin Valley (Fresno and Bakersfield), affects numerous smaller communities, private property and some of the most productive prime farmland in the world. The purpose of CEQA and NEPA is to provide an opportunity for the general public, as well as agencies to review the described project and analysis, and then provide comments and suggestions for mitigation and the avoidance or reduction of impacts. Because the project involves significant impacts and interests, the residents of the Central Valley deserve a robust and careful public review process to ensure compliance with the purpose of CEQA and NEPA, not merely the legal requirements. Also, project level documents (versus program level) require a greater level of assessment and review. Add to the above reasons the sheer volume of documentation (nearly 4,000 pages, including technical studies), the technical nature of the exhibits and maps and the situation/project meets the test for "unusual circumstances" requiring an extended review period as noted in the CEQA Guidelines (15105 subdivision a).

Your consideration of our request is very much appreciated.

Sincerely,

Holly A. King  
Wasco-Shafter Agricultural Group

cc: Jeff Abercrombie, Program Area Manager, Central Valley  
Senator Michael Rubio  
Senator Jean Fuller  
Assemblywoman Shannon Grove  
Assemblyman David Valadao

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Response to Submission BO191 (Holly King, Wasco-Shafter Agricultural Group, September 13, 2011)

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**BO191-1**

Refer to Standard Response FB-Response-GENERAL-07.

Submission BO192 (Holly A. King, Wasco-Shafter Agricultural Group, October 12, 2011)



October 10, 2011

California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

Re: Comments on California High Speed Train Project, Fresno to Bakersfield Section Draft  
Environmental Impact Statement/Environmental Impact Report

Ladies and Gentlemen:

Attached are the comments of the Wasco-Shafter Agricultural Group, an unincorporated association, on  
the High Speed Train Fresno to Bakersfield Section Draft Environmental Impact Statement/Environmental  
Impact Report.

Thanks you for your attention to this matter.

Sincerely,

Holly A. King  
for the Wasco-Shafter  
Agricultural Group

Attachment: Comments on California High-Speed Train Project: Fresno to Bakersfield Section  
Draft Environmental Impact Report/Environmental Impact Statement

**Wasco-Shafter Agricultural Group  
Comments on California High-Speed Train Project:  
Fresno To Bakersfield Section  
Draft Environmental Impact Report/  
Environmental Impact Statement**

Following are comments on the California High-Speed Train: Fresno To Bakersfield  
Section Draft Environmental Impact Report/Environmental Impact Statement ("EIR")  
prepared by the California High Speed Rail Authority and the Federal Railroad  
Administration. The numbered references below correspond with the section numbers  
of the EIR):

BO192-1

1.1.3. The Fresno to Bakersfield portion of the High-Speed Train ("HST") project  
analyzed in the EIR is only one segment of the total HST project. A separate draft  
environmental impact report/environmental impact statement for the Fresno to Merced  
segment of the HST project was prepared simultaneously with the EIR and, like the EIR,  
is currently being circulated for public comment. Other segments of the HST project are  
envisioned, including a connection route to the San Francisco Bay area and a segment  
from Bakersfield to Los Angeles, but no analysis of the environmental impacts  
associated with these segments is included in the EIR.

California Environmental Quality Act (Pub. Res. Code sec. 21000, et seq.) ("CEQA")  
Guidelines ("Guidelines") section 15378 defines project to mean "the whole of an action"  
that may result in either a direct or reasonably foreseeable indirect physical change in  
the environment. A project must be fully analyzed in a single environmental review  
document, ensuring that "environmental considerations not become submerged by  
chopping a large project into many little ones, each with a potential impact on the  
environment, which cumulatively may have disastrous consequences." (*Burbank-  
Glendale-Pasadena Airport Authority v. Hensler* (2d Dist. 1991) 233 Cal. App. 3d 577.)  
By breaking the environmental review of the HST project into more than one  
environmental document, the EIR cannot account for possible cumulative impacts that  
would be analyzed and addressed if the various segments of the HST project are  
considered in one environmental document.

BO192-2

1.2.3. Data to support the conclusion that the Interstate Highways and commercial  
airports in the Central Valley are "overused" are not included in the EIR. Such  
unsupported conclusions are not permitted. (See *Citizens for Quality Growth v. City of  
Mount Shasta* (3d Dist. 1988) 198 Cal. App. 3d 433.)

BO192-3

1.2.4. The discussion regarding conventional rail service fails to discuss the  
possibility of track upgrades, double tracking and other means to increase efficiencies  
and passenger volume as an alternative to the HST project. The discussion of airport  
capacity suffers from the same flaw. Section 15126.6 (a) and (f) of the Guidelines  
require that an EIR describe a reasonable range of alternatives to the HST project that

Final Comments EIR - EIS Attorney 100511

Submission BO192 (Holly A. King, Wasco-Shafter Agricultural Group, October 12, 2011) - Continued

BO192-3 | could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening the significant effects of the project on the environment. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553; and *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal App. 4th 1745, 1753, fn. 1.)

BO192-4 | 2.3.2. The HST project description is illusory and inadequate. The HST project description involves a number of alternative route alignments. In no case are the cumulative impacts of the individual combinations of alignments analyzed. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (3d Dist. 1977.) As the court noted in *County of Inyo*, "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.

By presenting a project with a wide array of alternative alignments (BNSF, Corcoran Elevated Alternative Alignment; Corcoran Bypass Alternative Alignment; Allensworth Bypass Alternative Alignment; Wasco Bypass Alternative Alignment; and Bakersfield South Alternative Alignment), the High Speed Rail Authority and Federal Railroad Administration may stitch together an alignment that produces significant cumulative impacts not analyzed as part of the environmental review of the individual alternative alignments.

BO192-5 | 2.2.6. Data to support the conclusion that the HST project will consume less than one percent (1%) of the state's future electric production are not provided. Such unsupported conclusions are not permitted. (See *Citizens for Quality Growth*, supra.)

BO192-6 | 2.3. The Fresno to Bakersfield Supplemental Alternatives Analysis Report (September, 2010), fails to take possible improvements to other transportation modes into consideration as means to correct the existing and future transportation deficiencies alleged in the EIR. Analyses of a reasonable range of alternatives to the HST project are required by Section 15126 (a) and (f) of the Guidelines. Separately or together, improvements to alternative modes of transportation may result in avoidance or a substantial lessening of the significant effects of the HST project on the environment. (See *Citizens of Goleta Valley*; and *Save our Residential Environment*, supra.)

3.2.5. There is no analysis to support the conclusion that, "With the incorporation of mitigation, all impacts would be less than significant under CEQA." Such unsupported findings are not permitted. (See *Citizens for Quality Growth*, supra.)

BO192-7 | 3.3.5 The analysis of emissions from power generating facilities encompasses only the Fresno to Bakersfield segment of the HST project. There is no cumulative analysis of the emissions impact on the environment that takes the entire HST project into

Final Comments EIR - EIS Attorney 100511

BO192-7 | consideration. Like other sections of the EIR in which no analyses of the impacts associated with the entire HST project are included, the foreshortened analysis of only the impacts associated with the Fresno to Bakersfield segment of the HST project amounts to piecemealing, which is not permitted. (Guidelines section 15378; Burbank-Glendale-Pasadena Airport Authority, supra.)

3.3.8. There is no explanation of how the HST project will "reduce the potential impacts of toxics . . . ." This unsupported conclusion is not permitted. (See *Citizens for Quality Growth*, supra.)

BO192-8 | 3.4.8. The EIR provides that "Additional mitigation may be necessary," including imposition of Noise and Vibration Mitigation Measure No. 4. This mitigation measure requires the "procurement of an HST vehicle technology that sets performance limits for noise and vibration." The procurement of vehicle technology that mitigates significant noise and vibration impacts associated with the HST project impermissibly delays formulation of mitigation measures to an uncertain future because the performance standards are not specified and there is no evidence that an HST vehicle meeting acceptable noise and vibration criteria can be manufactured. No HST vehicle technology that will mitigate noise and vibration impacts is identified in the EIR. Since the success in procuring HST vehicles that mitigate noise and vibration impacts is uncertain, there is no assurance that these significant impacts will not occur. This deferral of environmental assessment until after project approval violates CEQA's policy that environmental impacts must be identified before project momentum reduces or eliminates the flexibility to later change the course of action. (*Sundstrom v. County of Mendocino* (1st Dist. 1988) 202 Cal. App. 3d 296.)

BO192-9 | 3.6.6. The EIR admits that, "The project would conflict with existing underground and above ground utilities . . . ." The EIR proposes to mitigate this impact on existing utilities by "moving or encasing them, resulting in a negligible effect." There is no discussion or analysis of this mitigation measure, including the environmental impacts associated with relocating utilities. Later, the EIR provides that, "The effects on substations would be avoided by redesigning portions of the HST alignment." There is no explanation of the type of redesign that would mitigate the impacts on substations, including the possibility that the alignment of the HST project may have to be relocated to avoid the substations. This "mitigation" measure could amount to a significant change in the description of the HST project, particularly if relocation of the alignment impacts sensitive species, resources, etc. This amounts to a failure to consider the whole of the HST project, in violation of Guidelines section 15378.

BO192-10 | 3.7.6. Preparation of a Biological Resources Management Plan, which is the centerpiece of Biology Mitigation Measure No. 5, is deferred. Such deferral is not permitted. (See *Riverwatch v. County of San Diego* (4th Dist. 1999) 76 Cal App. 4th 1428.)

3.7.4. There is no comparative analysis of the environmental impacts associated with each of the alternatives so that the alternative with the least impact can be identified

Final Comments EIR - EIS Attorney 100511



Submission BO192 (Holly A. King, Wasco-Shafter Agricultural Group, October 12, 2011) - Continued

BO192-10 | and selected. Guidelines section 15126.6 (f) suggests that a matrix be used to illustrate the significant effects of each alternative to aid in the comparison.

BO192-11 | 3.8.5. See comments under 3.7.4.

BO192-12 | 3.9.8. There is no analysis to support the conclusion that standard design measures and best management practices will reduce impacts to a less than significant level. "CEQA requires the agency to find, based on substantial evidence, that the mitigation measures are . . . incorporated into the project. (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2d Dist. 2000) 83 Cal. App. 4th 1252; see also *Kings County Farm Bureau v. City of Hanford* (5th Dist. 1990) 221 Cal. App. 3d 692.) (Emphasis added.) Here, there is no explanation of how incorporation of standard design measures and best management practices will result in mitigation of identified environmental impacts.

BO192-13 | 3.10.8. The EIR notes that there is a significant impact associated with the location of the proposed Wasco Heavy Maintenance Facility because it is sited within .25 miles of a school. No consideration is given to moving the proposed Heavy Maintenance Facility to another location. An EIR must describe a reasonable range of alternatives to a project. (Guidelines section 15126.6 (a) and (f).) "Among the factors that must be taken into account when addressing the feasibility of alternatives are site . . . and whether the proponent can reasonably acquire . . . or otherwise have access to the alternative site . . ." (*Citizens of Goleta*, supra.)

BO192-14 | 3.11.9. To reduce impacts associated with safety and security, the EIR establishes a mitigation measure that requires payment of impact fees to local fire, rescue and emergency service providers for services at stations and heavy maintenance facilities. There is no evidence provided in the EIR that the money paid to local fire, rescue and emergency service providers will actually be spent to offset the impacts identified in the EIR. If there is no evidence linking the payment of impact fees to mitigation of identified impacts, then the requirement that there be substantial evidence supporting the finding that the impacts have been mitigated is not met. (*Kings County Farm Bureau*, supra.)

BO192-15 | 3.14.5. The statement that HST alternatives would "convert farmland for construction but would also provide opportunities for focusing future development on land that is already urbanized is speculative and not supported by any evidence. (See *Kings County Farm Bureau*, supra.)

3.14.6. The assertion that Agricultural Mitigation Measure No. 1 will mitigate the loss of farmland caused by the HST project through the acquisition of agricultural conservation easements is illusory. Lost farmland offset by agricultural conservation easements over other existing farmland does not result in replacement of the lost farmland. Agricultural Mitigation Measure No. 1 is no mitigation measure at all.

BO192-16 | 3.17.6. No protocol for disposition of human remains during the course of construction of the HST project is included in the EIR. The requirements for disposition

Final Comments EIR - EIS Attorney 100511

BO192-16 | of human remains, including designation of a recipient of the remains by the Native American Heritage Commission in the case of Native American remains, should be included in the EIR.

BO192-17 | 3.18.6. There is no evidence to support the conclusion in the EIR that the HST project would "encourage more compact, efficient land use in the region and would generate higher density infill development around HST stations. (See *Federation of Hillside & Canyon Associations*, supra.)

BO192-18 | 3.19.3. The statement that the HST project would "potentially improve the future environmental condition of the study area" because of the benefits afforded by transit oriented development is not supported by any evidence in the EIR. (See *Federation of Hillside & Canyon Associations*; and *Kings County Farm Bureau*, supra.)

Final Comments EIR - EIS Attorney 100511



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Response to Submission BO192 (Holly A. King, Wasco-Shafter Agricultural Group, October 12, 2011)

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**BO192-1**

Refer to Standard Response FB-Response-GENERAL-20.

**BO192-2**

The specific statement referenced by the commenter is located in Section 1.2.3, CEQA Project Objectives of the HST System in California and in the South San Joaquin Valley, of the Final EIR/EIS. The statement the comment is addressing is part of the objectives and policies for the proposed HST System that the Authority has adopted. As stated, these objectives and policies are systemwide and not necessarily applicable to the transportation systems in the Fresno to Bakersfield project. Refer to Impact TR #10 – Impacts on Regional Transportation System of Section 3.2, Transportation, of the Final EIR/EIS for further analysis of the Fresno to Bakersfield segment's impacts on the aviation and highway systems.

**BO192-3**

The procedural requirements for NEPA and CEQA were followed during the environmental review of the Fresno to Bakersfield HST Section.

The Authority and the FRA's prior program EIR/EIS documents (see Section 1.5, Tiering of Program EIR/EIS Documents) evaluated modal alternatives for the project, including conventional rail service and airport capacity improvements. Those alternatives were eliminated from further consideration in the Statewide Program EIR/EIS. In accordance with CEQA and NEPA, the project-specific EIR/EIS for the Fresno to Bakersfield Section is not required to revisit those alternatives. The BNSF Railway route was selected as the preferred alternative for the Central Valley HST between Fresno and Bakersfield in the 2005 Statewide Program EIR/EIS (Authority and FRA 2005) decision document. Therefore, the Project EIR/EIS for the Fresno to Bakersfield Section focuses on alternative alignments along the general BNSF Railway corridor.

As discussed in Section 2.3.1 of the EIR/EIS, the Authority implemented an alternatives analysis process to identify the full range of reasonable alternatives for the project as required under 14 CCR 15126.6 and 40 CFR 1502.15(a). This range of alternatives was analyzed in the EIR/EIS.

The purpose of the California High-Speed Train System is to provide another mode of

**BO192-3**

intercity travel in California to relieve existing and projected travel demand on the state's existing highway system and airports. The Authority's enabling legislation, Senate Bill (SB) 1420 (chaptered 9/24/96, Chapter 796, Statute of 1996), defines high-speed rail as "intercity passenger rail service that utilizes an alignment and technology that makes it capable of sustained speed of 200 mph (320 kph) or greater." This direction is consistent with foreign HST experience, the experience of the northeast corridor (Boston-New York-Washington, D.C.), and HST studies done elsewhere in the U.S., which show that to compete with air transportation and generate high ridership and revenue, the intercity HST travel times between the major transportation markets must be below 3 hours (Behrens and Pels 2012; Levy 2012). Expansion of Amtrak service would not meet the legislative mandate for a high-speed train service and would not provide intercity travelers with an alternative transportation mode comparable to commercial air service or the private automobile. The existing Amtrak system, which uses existing freight rail, cannot provide high-speed train service.

**BO192-4**

Refer to Standard Response FB-Response-GENERAL-20, FB-Response-GENERAL-21.

**BO192-5**

The Statewide Program EIR/EIS (Authority and FRA 2005) predicted that the HST System would increase overall direct electric energy consumption by 10% over current conditions, increasing projected electricity demand statewide by approximately 0.96% in 2030. The anticipated electricity use would be approximately 14% of the total HST System power use, or 11.04 to 16.55 gigawatt-hours. The existing plus project scenario is estimated to increase electrical energy demand by approximately 28,000 MMBtu/day.

EIR/EIS Appendix 3.6-C, Energy Analysis Memorandum, updated the 2005 Program EIR/EIS analysis in 2012. It reflects a refinement to the 2005 analysis utilizing updated conversion factors, ridership forecasts, train sets, and vehicle miles traveled, among other parameters. As discussed in Appendix 3.6-C, the refined 2012 calculations show that the operation of the HST System will use less energy than previously predicted. The updated calculations were used as the basis for the 2012 environmental impact analysis.

## Response to Submission BO192 (Holly A. King, Wasco-Shafter Agricultural Group, October 12, 2011) - Continued

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### **BO192-6**

Refer to Standard Response FB-Response-GENERAL-22, FB-Response-GENERAL-02.

Section 2.4 analyzes planned and anticipated transportation projects, which includes improvements in alternate modes of transportation. Section 3.2.5.2 of the EIR/EIS evaluated HST impacts against these anticipated transportation projects. Section 3.2.5.3 evaluates the construction and project impacts and makes significance determinations based on the methodology detailed in 3.2.3.

### **BO192-7**

As described in Section 3.3.6.3 as well as in Tables 3.3-9 and 3.3-10 of the Revised DEIR/Supplemental DEIS, the power plant emissions were estimated for the entire host project at a statewide level.

### **BO192-8**

Mitigation Measure N&V-MM#4 states that the project can set performance limits for noise levels in order to reduce community noise impacts throughout the corridor. Depending on the available technology at the time of construction, the number of impacts may be reduced, and not increased. Referring to Mitigation Measure N&V-MM#6, additional noise analysis following the final design will be conducted if the final vehicle/design specifications result in changes to the assumptions that were made in the current EIR/EIS. Noise impacts will be reassessed, recommendations for additional mitigation will be examined, and supplemental documentation will be conducted, as required by CEQA and NEPA.

### **BO192-9**

Refer to Standard Response FB-Response-PU&E-03.

The proposed treatment of affected utilities, is part of the HST project's proposed action, and does not represent a mitigation measure. Effects of the proposed treatment of utilities, including substations, on various other resources has been analyzed as part of the project footprint and discussed in applicable sections of the RDEIR/SEIS. The Authority would positively locate public utilities within the potential impact area (by probing, potholing, electronic detection, as-built designs, or

### **BO192-9**

through other means) prior to construction, in compliance with state law (i.e., California Government Code 4216). Where it is not possible to avoid utilities, they would be improved (e.g., steel pipe encasement) so that there is no damage or impairment to the operation of these utilities from the HST project.

### **BO192-10**

Refer to Standard Response FB-Response-BIO-02, FB-Response-GENERAL-02.

While the simple promise of a plan does not mitigate or fulfill the mitigation obligation, the Biological Resources Management Plan cannot be fully developed without information from issued agency permits, including detailed compensatory mitigation plans and monitoring criteria. The Authority and FRA believe the outline of the numerous provisions included in the Mitigation Measure BIO-5 contains sufficient information for the general public to conclude that implementation of the Biological Resources Management Plan will be an effective tool to avoid and minimize impacts on biological resources. Furthermore, additional information regarding potential compensatory mitigation properties and the resources that are present have been included in the EIR/EIS.

### **BO192-11**

Refer to Standard Response FB-Response-GENERAL-02.

### **BO192-12**

Examples of standard design measures and best management practices were added to the text of the Revised DEIR/Supplemental DEIS in Section 3.9.8 to illustrate how mitigation of identified environmental impacts will be done.

### **BO192-13**

Refer to Standard Response FB-Response-GENERAL-15.

### **BO192-14**

As described in Section 3.11 of the Revised DEIR/Supplemental DEIS, the Authority

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Response to Submission BO192 (Holly A. King, Wasco-Shafter Agricultural Group, October 12, 2011) - Continued

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**BO192-14**

would enter into a legally binding cost-sharing agreement with the service provider. That agreement would legally require the service provider to use funds provided by the Authority for emergency services.

**BO192-15**

Refer to Standard Response FB-Response-GENERAL-04.

The Authority recognizes that loss of farmland is a significant impact that cannot be avoided or fully mitigated.

**BO192-16**

There is no specific indication that any particular site in the project area has been used for human burial purposes in the recent or distant past. However, because human remains can be identified in the course of any substantial excavation in California, laws address the potential disturbance of human remains during project actions. For example, if human skeletal remains are uncovered during project construction, the project proponent would immediately halt work, contact the County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the project proponent will contact the California Native American Heritage Commission (NAHC), in accordance with Health and Safety Code Section 7050.5 subdivision (c) and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the County shall ensure that, according to generally accepted cultural or archaeological standards or practices, the immediate vicinity where the Native American human remains are located is not damaged or disturbed by further activity until the County has discussed and conferred, as prescribed in this section (Public Resources Code 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

**BO192-17**

Refer to Standard Response FB-Response-GENERAL-03.

**BO192-18**

The text of the Revised DEIR/Supplemental DEIS has been updated as a result of continuing project design, comments received on the Draft EIR/EIS, and additional consultation with public agencies. Project growth and development trends are broadly described in Section 3.19, Cumulative Impacts, subsection Station Planning, Land Use, and Development. Transit-oriented development and the potential direct and secondary impacts associated with it are described in detail in Section 3.13, Station Planning, Land Use, and Development, subsection Impact LU#5 – Potential for Future Increased Density and TOD Development at HST Stations.

Submission BO193 (Roger Isom, Western Agricultural Processors Association (WAPA), September 21, 2011)



WESTERN AGRICULTURAL PROCESSORS  
ASSOCIATION

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Board of Directors  
California High Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814

09-21-11P04:32 BCD


Re: Request for Extension of EIR/EIS Comment Period - Fresno to Bakersfield Section

Dear Chairman and Members of the Board:

BO193-1

We support the request of J.G. Boswell Company, dated September 8, 2011, for an extension of time to review the EIR/EIS documents of at least 180 days.

Signed:

  
[Name]  
Western Agricultural Processors Assn.  
[Organization]  
9/14/11  
Date

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Response to Submission BO193 (Roger Isom, Western Agricultural Processors Association (WAPA),  
September 21, 2011)

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**BO193-1**

Refer to Standard Response FB-Response-GENERAL-07.



Submission BO194 (Dan Dolan, Western States Title Services, October 13, 2011)

Fresno - Bakersfield - RECORD #1342 DETAIL

Status : Action Pending  
Record Date : 10/27/2011  
Response Requested : No  
Stakeholder Type : Business  
Submission Date : 10/13/2011  
Submission Method : Project Email  
First Name : Dan  
Last Name : Dolan  
Professional Title : Owner  
Business/Organization : Western States Title Services  
Address :  
Apt./Suite No. :  
City : Martinez  
State : CA  
Zip Code : 94553  
Telephone : 925-451-6244  
Email : ddolan37@yahoo.com  
Email Subscription :  
Cell Phone :

Add to Mailing List : No

Stakeholder  
Comments/Issues : Environmental Review appears to fail to consider "a different" BNSF Hybrid approach that would "extend" proposed HSR route from Bakersfield to Fresno to follow a route parallel yet distant sufficiently to UP freight row to be entirely located on "private owned land" and then could curve over to Hanford parallel and following State Highway in a Westerly direction and continue once joining BNSF along its Easterly freight row as planned. The construction cost might increase some for this "dog leg" BUT the advantage would be less environmental, crop, bisecting of valuable dairy and ranch and farm lands and still following transportation corridor design.

Respectfully,  
Daniel W. Dolan, Owner  
Western States Title Services  
Martinez, CA 94553  
925-451-6244  
fax 925-932-4863  
submitted 11:00 a.m. Thursday, October 13, 2011 P.D.T.

EIR/EIS Comment : Yes

BO194-1

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Response to Submission BO194 (Dan Dolan, Western States Title Services, October 13, 2011)

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**BO194-1**

Refer to Standard Response FB-Response-GENERAL-02, FB-Response-GENERAL-10,  
FB-Response-GENERAL-04.

Submission BO195 (Gary, Pat, and Aarin Wilson, Wilson Ag, October 11, 2011)



California High Speed Rail Authority  
770 L St., Suite 800  
Sacramento, CA 95814  
Email: Fresno\_Bakersfield@hsr.ca.gov  
Fresno to Bakersfield Draft EIR/EIS Comment

October 7, 2011

The current EIR for HSR from Fresno to Bakersfield is incomplete and inaccurate, especially in addressing the concerns of Agriculture.

Problems with the Shafter Wasco Alternate

BO195-1

1. Table S-3 states there are no construction impacts to Agriculture. This is incorrect. How will permanent crops be sustained during the construction phase if irrigation water must be provided to both sides of a bisected field? Note that most ag irrigation systems (supply, in-field, drainage) are basically gravity systems and flow in the direction the field is graded. The HSR corridor will isolate portions of farms without water. The construction phase will last 1-3 years and involve more farmland than the corridor. What is the impact on water sources, permanent crops and native wildlife corridors during this period? Land cannot be returned to normal after construction. How is dust and weeds mitigated during construction? It can take a year to get power from PG&E. If a new well is needed resolving bisected properties could take 2-3 years. Is HSR going to finance modifications well in advance of construction to avoid further loss?

BO195-2

2. The Shafter Wasco alternate has more road closures. What is the impact on VMT, ag traffic (tractor and commodity transport), and wildlife corridors? Closures require driving the long way around, decreasing efficiency and creating disruptions. What is the impact of road closures to emergency response in rural areas isolated by road closures and the HSR corridors?

BO195-3

3. Water drainage will be affected during construction and HSR operation by ag irrigation and potential rainfall. What is the impact of a bisected field where one side may pond due to the presence of construction or a corridor? Can the HSR short out due to flooding? What happens during a weather event if normal drainage is blocked by HSR berms? What happens to farmland blocked by HSR berms?

BO195-4



BO195-5

4. The Shafter Wasco alternate has many acres of producing almonds. What effect shall wind created by HSR (frequency and speed) and vibration have on pollination by bees in almonds?

BO195-6

5. Who will be responsible for maintenance of roads next to HSR fencing? Turn roads outside the fence on both sides must be maintained with dust control, weed control, and trash removal. Tumble weeds are noxious weeds that will lodge in the HSR cyclone fencing. How is HSR planning to maintain these roads?

BO195-7

6. What is the noise impact from construction and the HSR on farm animals (cattle, horses, sheep) and wildlife (bees, birds, coyotes, etc)? How will the impact be mitigated?

BO195-8

7. The Balkanization of Ag parcels will, in some cases, create non-farmable areas, which will result in non-desirable development and place people and activities closer than desirable to the HSR corridor. What is being done to maintain farm and community fabric? Are there any agencies to resolve parcel division?

BO195-9

8. The Shafter Wasco alternate passes through the North Shafter oil field. Oxy Oil has a tank farm in its path. There are many producing wells, new wells under construction, and a myriad of pipelines connecting wells affecting the proposed route. If the Shafter Wasco alternate is chosen, how will the impact be mitigated? Who will pay for lost opportunity? I believe the cost of this alternate has been grossly underestimated and understated in the EIR.

BO195-10

9. The HSR consumes a great deal of electricity. Will it be obtained locally? Will it impact local service? Especially during brownouts and rolling black outs? How will the HSR impact the electrical needs of local communities, commercial and agricultural users? What criteria will be used for emergency response power (water, sewer, flood control, hospital, etc)?

10. S.8.1 states, "No substantial effect on energy and HSR's goal is to purchase all the power from renewable sources." Has the EIR validated this renewable energy is available and at what cost? A 1% draw on the state electrical supplies will have an effect, especially at peak use.

BO195-11

11. HSR only improves air quality at maximum ridership. What is the effect on air quality at different ridership levels? The EIR states the construction phase adversely affects air quality. The EIR does not address the adverse effect on air quality should construction be underestimated and ridership less than maximum.

BO195-12

12. The legislation passed stated the HSR was to be built along existing corridors. The public's conception was the HSR would be built along I5 or Hwy 99. Have you conducted any polls that show how people would vote today? A recent poll

Submission BO195 (Gary, Pat, and Aarin Wilson, Wilson Ag, October 11, 2011) - Continued

BO195-12 | showed voters now against HSR along the currently proposed routes. With escalating cost projections and no relief in sight for state and federal economies, is this project viable?

BO195-13 | 13. In many instances procedural requirement for NEPA and CEQA were not followed. The manner in which the EIR was written in segments and many alternates makes it impossible to analyze properly.

BO195-14 | The Shafter Wasco Alternate grossly underestimates the costs to mitigate agriculture and oil. The EIR largely ignores impact to ag and oil during the construction phase. This is a bad choice for all involved.

Yours,

Gary Wilson



Pat Wilson



Aarin Wilson



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## Response to Submission BO195 (Gary, Pat, and Aarin Wilson, Wilson Ag, October 11, 2011)

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### **BO195-1**

Refer to Standard Response FB-Response-AG-04 and FB-Response-SO-01 and FB-Response-BIO-01.

Impacts on wildlife movement corridors during construction are discussed in Section 3.7 (Impact BIO #4, Construction Effects on Wildlife Movement Corridors). In addition, the Revised DEIR/Supplemental DEIS includes mitigation measures to mitigate potential impacts associated with dust and the introduction of non-native plants (Mitigation Measure BIO-4, Prepare and Implement a Weed Control Plan, and Mitigation Measure BIO-5, Prepare and Implement a Biological Resources Management Plan).

See Volume I, Section 3.14.5.3, for information on the construction period impacts on agricultural lands. For information on compensation for farmland infrastructure, including irrigation systems, see FB-Response-AG-04. For information on the property acquisition and compensation process, see Volume II, Appendix 3.12-A.

### **BO195-2**

Refer to Standard Response FB-Response-S&S-01, FB-Response-BIO-01, and FB-Response-TR-02.

### **BO195-3**

Refer to FB-Response-HWR-02 regarding site-specific drainage impacts. With respect to flooding, culverts and wildlife crossings will be installed along the HST corridor to allow flood water to pass. This is to prevent ponding of water on the upstream side of the HST. Where the HST is constructed on fill, the tracks will be placed at least 3 feet above the 100-year water level. Because electricity will be delivered to the trainsets with an overhead contact system, flooding that would occur below the tracks would not cause the electrical system to short out.

### **BO195-4**

Refer to Standard Response FB-Response-AG-04.

### **BO195-5**

Refer to Standard Response FB-Response-AG-05.

### **BO195-5**

As described in Section 3.14 of the Revised DEIR/Supplemental DEIS, during the HST testing phase, the Authority will fund a program to undertake original research on the wind and noise effects of HST operations on agricultural activities, including the effects of HST-generated wind on the effectiveness of honey bee pollination; dust production as a result of typical HST operations, including entrainment and dispersal patterns of dust in the HST slipstream; and practical methods for reducing effects on agriculture.

Research on noise effects on wildlife and livestock is limited, but suggests that noise levels about 100 decibels (dBA) Sound Exposure Level (SEL) (the total A-weighted sound experienced by a receiver during a noise event, normalized to a 1-second interval) may cause animals to alter behavior. The FRA *High-Speed Ground Transportation: Noise and Vibration Impact Assessment* manual (FRA 2005a) considers an SEL of 100 dBA the most appropriate threshold for disturbance effects on wildlife and livestock of all types. An animal would need to be within 100 feet of an at-grade guideway to experience an SEL of 100 dBA. At this time, there is no conclusive evidence of noise and vibration decreasing production in livestock or affecting breeding habits. The noise effects on insects were not included as part of the study, but the Federal Highway Administration states, "Honeybees will stop moving for up to twenty minutes for sounds between 300 and 1 kHz at intensities between 107-120 dB." The HST will not generate noise levels that high within that frequency range. There will be no impacts on pollination due to noise/vibration.

See Volume I, Section 3.14, Impact AG#10 for information on the wind-induced effects on honey bees.

### **BO195-6**

The Authority would maintain all HST facilities, including the right-of-way and fence, and provide appropriate weed, litter, and pest control. Maintenance activities are described in Chapter 2, Section 2.6, Operations and Service Plan of the Revised DEIR/Supplemental DEIS. Maintenance, including weed control and trash removal, of any public or private roads along the HST alignment would be the responsibility of the local city, county, or private landowner, as appropriate. The Authority would not be responsible for maintaining lands outside of the project footprint.



## Response to Submission BO195 (Gary, Pat, and Aarin Wilson, Wilson Ag, October 11, 2011) - Continued

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### **BO195-7**

Refer to Standard Response FB-Response-N&V-01.

### **BO195-8**

Refer to Standard Response FB-Response-AG-03.

### **BO195-9**

Refer to Standard Response FB-Response-SO-01.

Alignment plans and maps of parcels directly affected by the project where the whole parcel or a portion thereof would be acquired by the project is provided in Volume III.

Replacement wells would occur in the same field as the displaced wells and continue to withdraw from the expansive Eocene Total Petroleum System within the San Joaquin Basin Province. There would be no change to the capacity of the oil field or the ability of industry to extract crude oil. The cost for well decommissioning and replacement would be borne by the Authority, and the effect on the capacity or viability of the petroleum resource and industry extraction operations relative to public utilities and energy would be less than significant. The effect would have negligible intensity under NEPA, and impacts would be less than significant under CEQA.

Land owners, including owners of the mineral rights for a property, will be compensated with just compensation as determined in the appraisal process. It is a valid observation made in the comment that the cost of relocating wells and compensating for lost mineral extraction opportunities could be much higher than the estimates reported in the environmental document. While the costs of relocation and compensation for land, rights of way, mineral rights could vary from extremely expensive to relatively little expense, the cost has no bearing on the actual impacts on the physical environment.

### **BO195-10**

Refer to Standard Response FB-Response-PU&E-02.

### **BO195-11**

The air quality and greenhouse gas analyses in the Revised DEIR/Supplemental DEIS that are related to ridership have been updated to reflect two ridership scenarios—one with fares at 50% of airfare prices and one at 83% of airfare prices—to provide a range of potential air quality impacts.

Although the air quality analysis has identified emission impacts from the project during the construction phase, these impacts would be completely offset to below a level of significance through the Voluntary Emission Reduction Agreement between the Authority and the San Joaquin Valley Air Pollution Control District.

### **BO195-12**

Refer to Standard Responses FB-Response-GENERAL-02, FB-Response-GENERAL-10, and FB-Response-GENERAL-17.

### **BO195-13**

Refer to Standard Response FB-Response-GENERAL-27.

All of the procedural requirements for CEQA set forth in California Code of Regulations, Title 14, Sections 15000 to 15387, and for NEPA set forth in 40 CFR 1502 and FRA's Procedures for Considering Environmental Impacts (Federal Register Vol. 64, Number 101, pp. 28545-28556, 1999) were followed during the environmental review of the Fresno to Bakersfield Section of the HST. None of the comments provided in this submission provide evidence that these procedural requirements were not followed.

As discussed in Section 3.1.3 of the EIR/EIS, the alternative alignments considered for the Fresno to Bakersfield Section include seven alternative alignments in the more rural area between Fresno and Bakersfield and three alternative alignments in Bakersfield. Any combination of these alternatives could comprise the complete alignment from Fresno to Bakersfield, creating a total of 72 distinct alternative alignment combinations. Instead of discussing 72 alternatives, all sections of Chapter 3 begin with a single alignment from Fresno to Bakersfield (the BNSF Alternative); then the additional alternatives that would deviate from this alignment are presented, beginning in the north and proceeding to the south in the following order: Hanford West Bypass 1, Hanford West Bypass 2, Corcoran Elevated, Corcoran Bypass, Allensworth Bypass, Wasco-

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Response to Submission BO195 (Gary, Pat, and Aarin Wilson, Wilson Ag, October 11, 2011) - Continued

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**BO195-13**

Shafter Bypass, Bakersfield South, and Bakersfield Hybrid. The impacts for each of these alternative alignment segments are described and then compared to the corresponding segment of the BNSF Alternative to provide the reader with an understanding of the differences in impacts among the alternative alignment segments. The EIR/EIS Summary provides an overview of the impacts of all 72 alternatives between Fresno and Bakersfield.

**BO195-14**

Refer to Standard Response FB-Response-GENERAL-04, FB-Response-AG-06, FB-Response-SO-01, FB-Response-GENERAL-11.

The Authority disagrees with the commenter's opinion.

See Volume I, Section 3.12, Impact SO#16 for impacts on agriculture for all project alternatives. As discussed in Volume I, Section 3.10.4, five wells (two active oil wells, one water injection well, and two abandoned wells) occur within the project footprint, and a 50-foot buffer around the footprint. The wells are all in the Bakersfield metropolitan area, with one active well located on the BNSF Alternative, and the others on the Bakersfield South Alternative. Active wells would need to be capped and abandoned, or relocated.

Replacement wells would occur in the same field as the displaced wells and continue to withdraw from the expansive Eocene Total Petroleum System within the San Joaquin Basin Province. There would be no change to the capacity of the oil field or the ability of industry to extract crude oil. The cost for well decommissioning and replacement would be borne by the Authority, and the effect on the capacity or viability of the petroleum resource and industry extraction operations relative to public utilities and energy would be less than significant. The effect would have negligible intensity under NEPA, and impacts would be less than significant under CEQA.

Submission BO196 (Paul Vert, Young's Holdings, Inc., September 23, 2011)

**Fresno - Bakersfield - RECORD #272 DETAIL**

**Status :** Action Pending  
**Record Date :** 9/23/2011  
**Response Requested :**  
**Stakeholder Type :** Business  
**Submission Date :** 9/23/2011  
**Submission Method :** Website  
**First Name :** Paul  
**Last Name :** Vert  
**Professional Title :** President & CEO  
**Business/Organization :** Young's Holdings, Inc.  
**Address :**  
**Apt./Suite No. :**  
**City :** Los Angeles  
**State :** CA  
**Zip Code :** 90013  
**Telephone :** 213-612-1228  
**Email :** pvert@youngsmarket.com  
**Email Subscription :** Fresno - Bakersfield, Merced - Fresno  
**Cell Phone :**  
**Add to Mailing List :** Yes  
**Stakeholder Comments/Issues :** Young's Holdings, Inc is the owner of unimproved property at 1724 West McKinley Ave., Fresno, Ca. 93705 (APN 442-122-37) Please advise if Young's property is in the Project Footprint. Thank you.  
**EIR/EIS Comment :** Yes

BO196-1

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Response to Submission BO196 (Paul Vert, Young's Holdings, Inc., September 23, 2011)

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**BO196-1**

The undeveloped parcel referenced in your letter (1724 West McKinley Ave., Fresno, CA 93705; APN 442-122-37) lies within the project footprint for the Merced to Fresno Section of the HST project, which adjoins the Fresno to Bakersfield Section in the City of Fresno. The Final EIR/EIS for the Merced to Fresno Section was issued in April 2012. The Authority has commenced the right-of-way appraisal process for the southern extent of the Merced to Fresno Section, south of Avenue 17 in Madera, and has contacted you to arrange for a fair market value appraisal of your parcel.